

ZB# 95-3

Ciccarelli / Durso

25-5-2

#95-3 Ciccirelli/Dunso
Use Variance - Two Fam.

Prelim.

Jan. 23, 1995.

Motion to

Schedule P^H
~~Letters out 4/10/95.~~

Need copy of:

- ① Need ☒
- ② Title Report
- ③ Photos ^{150.00}
- ④ Fees: ① ^{300.00} ④ Paid

Interpretation/Use
Sent to ~~CCP~~ - 4/10/95. / Variance
Notice to Sentinel - 4/10/95.

Public Hearing:

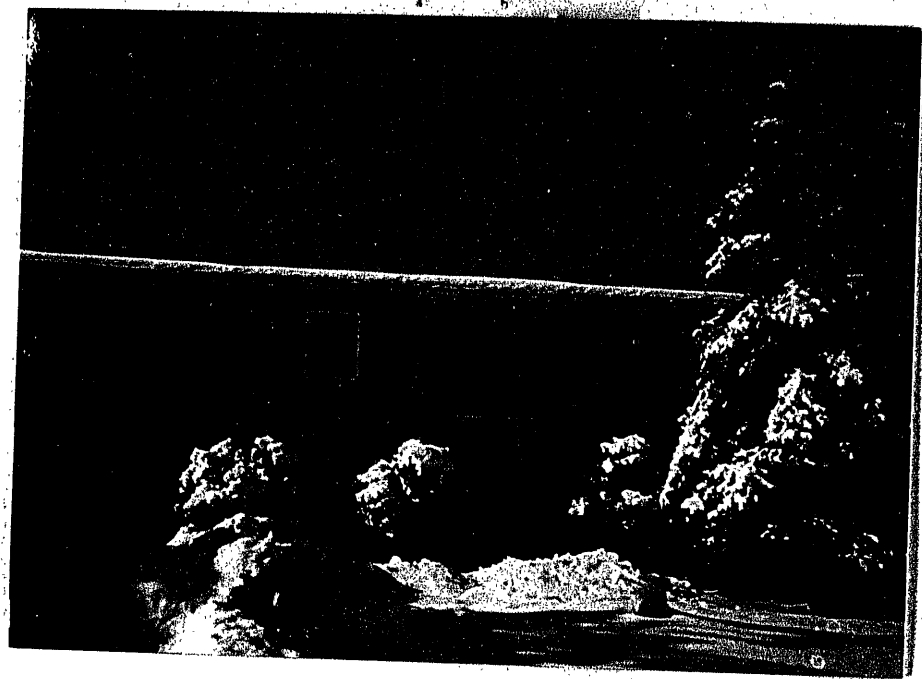
April 24, 1995

Interpretation:

One - family
house.

No variance required.

Refund due: \$ 81.50





48-33A

Date May 16, 1995

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Adeline Ciccarelli #95-3 DR.
101 Glendale Drive
New Windsor, N.Y. 12550

[illegible]

Date May 16, 1995

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Randy Davidson # 95-16 DR.

61 Birchwood Drive.

New Windsor, N.Y. 12553.

Charge: 2BA Escrow

DATE _____

CLAIMED

ALLOWED

[illegible]

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Durso/Ciccarelli

FILE # 95-3

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

and/or
use variance

APPLICATION FOR VARIANCE FEE \$ 150.00 Paid
Cash

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES Interp./ \$ 300.00 Paid
Use Variance ~~300.00~~ Cash

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 1/23/95-23 pages \$ 103.50
2ND PRELIM. MEETING - PER PAGE 4/24/95-10 " \$ 45.00
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 148.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING- HRS. 1/23/95 \$ 35.00
2ND PRELIM. HRS. 4/24/95 \$ 35.00
3RD PRELIM. HRS. \$
PUBLIC HEARING HRS. \$
PUBLIC HEARING HRS. (CONT'D) \$
TOTAL HRS. @ \$ PER HR. \$
TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 218.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$
REFUND TO APPLICANT DUE . \$ 81.50

Refund.

(ZBA DISK#7-012192.FEE)

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14814

April 10, 1995

Received of

Adeline Ciccardi

\$ 150⁰⁰

One hundred fifty and 00/100

DOLLARS

For

ZBA Application #95-3

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Cash</u>		<u>\$150⁰⁰</u>

By

Dorothy J. Hansen

Town Clerk

Title

-----X
In the Matter of the Application of

FRANK AND MARIA DURSO AND
ADELINE AND THOMAS CICCARELLI

DECISION GRANTING
INTERPRETATION

#95-3.
-----X

WHEREAS, FRANK DURSO and MARIA DURSO, and ADELINE CICCARELLI and THOMAS CICCARELLI, residing at 101 Glendale Drive, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for an interpretation and/or use variance as to whether existing structure is a two-family residence located at the above residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 24th day of April, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicants represented themselves by FRANK DURSO and ADELINE CICCARELLI; and

WHEREAS, there were seven (7) spectators who spoke in favor of the application, and there was no one speaking in opposition to the application; and

WHEREAS, there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is a home in a residential neighborhood.

(b) The property is occupied by a father, mother, children, and the parents of the mother/wife.

(c) The premises have been so occupied for approximately twenty (20) years.

(d) The premises has two (2) kitchens.

(e) The premises has free-unlocked and unrestrained access throughout so that a person could go from the downstairs to the upstairs or the reverse at any time without going outside the premises.

(f) The premises has a certificate of occupancy for a single-family house.

(g) No rent or other consideration is paid by anyone to anyone else for occupancy of the premises.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. There is a question of interpretation to be decided before any of the questions concerning the variance application are considered.

2. To be a one-family house, the use and occupancy of the premises must be consistent with the definition of family as it appears in Section 48-37 at page 4894 of the Town Code which states:

"One (1) or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five (5) persons, exclusive of domestic servants, not related by blood, marriage or adoption, shall not be considered to constitute a 'family'".

3. By necessary implication, any number of persons related by blood, marriage or adoption, may constitute a family.

4. The evidence shows that the occupants of the house are related by blood, marriage or adoption.

5. The question remaining to the Board is whether this "family" operates the premises as a single, nonprofit housekeeping unit.

6. It is the finding of the board that the premises is constructed and operated and has always been so constructed and operated as a single non-profit housekeeping unit now and for approximately the past twenty (20) years.

NOW THEREFORE BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor determines that the premises herein described is in fact and in law a one-family house, and it is further

RESOLVED, that the application for a use variance is marked withdrawn without prejudice, and it is further

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 12, 1995.


Chairman

(ZBA DISK#13-052695-CD)

4/24/95 Public Hearing - Ciccarelli/Dunso #.95-3.

Name:	Address:
Gilbert A. Biljoni ^{no objection}	241 Union Ave
George M. Biljoni	241 Union Ave
W R Thaw + M ^{no objection}	9 Forrest Hall
Mike Jozani	204 Cambridge Ct. NW
Laura Jozani ^{no objection}	204 Cambridge Ct. NW
Joe Pisani	203 Cambridge Ct. NW
Linda Bruno	102 Glendale Dr. NW
Fred Hackens ^{no objection}	408 Coulton Cir NW

Date 5/12/95, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 147 Sycamore Dr. DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
4/24/95		Zoning Board Meeting	75 00	
		Misc. - 1		
		Accumanno - 3		
		Cox - 3		
		Davidson - 4		
		Tierney - 3		
		Meyers - 8		
		Park Road - 10		
		Cicarelli - 10 \$5.00	189 00	
		<u>42 pp</u>		
		APPROVED:	264 00	
		Chairman - ZBA		

PUBLIC HEARING:

CICCARELLI/DURSO

Mrs. Ciccarelli and Mr. Durso appeared before the board for this proposal.

MR. NUGENT: Request for interpretation and/or use variance as to whether existing structure is a two-family residence located at 101 Glendale Drive in R-4 zone. If there is anyone here in the audience that would like to sign this please?

MS. CICCARELLI: I would like to go for a one family because that is what we are, that is what we have been for the last 20 years is. I want, I would like for it to be kept as a one family, that is what we are, my parents have to live with me, they are physically and financially dependent on me. They have nowhere else to live and we have been together with all our names are on every document from the time we bought the house, everything done was done by the builder. We were assured as far as we knew everything was legal and in the book of rules you have stated that blood relations can live together, as long as there's no profit and definitely isn't any and so that is what I hope to be done.

MR. KRIEGER: In order for them in terms of interpretation, what the board has to find and I am referring now to the definition of family on page 4894, one or more persons occupying a dwelling unit as a single non-profit housekeeping unit and the crux of the matter is that it is a single unit. There is no one or more than one firm indicia of what a single family unit is. Items such as number of entrances, electric service, names that it's in, may be taken into consideration by the board in making a determination. But no single indicia is going to dispose of the question. Regardless of what the answer is. The board may also take into consideration and I suggest that it is a relevant area of inquiry, how the building is constructed in the interior so that it is in fact a single housekeeping unit. It's often been mentioned in the case number of kitchens, you can have a single

housekeeping unit with more than one kitchen.

MR. NUGENT: Let me interrupt you for one second, she don't want a two family, she just wants a single family.

MR. KRIEGER: She has what she believes to be a single family now. The question is is it in fact a single family dwelling or not.

MS. CICCARELLI: Well, we all use the entire house.

MR. BABCOCK: We're going through a procedure here, she's been given an order to remedy by the fire inspector's office, John McDonald, and the order of remedy says that they have an illegal conversion from a one-family dwelling to a two-family dwelling, that is what he is stating.

MS. CICCARELLI: I don't understand how we have come to this when it--

MR. BABCOCK: Just let me explain the procedure, okay, he did that, he gave you that violation. Now we have to, it's an order to remedy, you have to remedy that violation somehow.

MS. CICCARELLI: How do I do that when this is the way the builder did it for us and we're one family?

MR. KRIEGER: There are two ways of remedying the violation, one which is what you are doing here now is to determine that there is in fact no violation.

MR. BABCOCK: That is correct.

MR. KRIEGER: Then there would be nothing to remedy. Two, if there is a violation, then taking whatever steps are necessary to physically, physically to make sure that it is a one-family unit now, unfortunately, in writing up the order to the violation, the fire inspector did not provide any details as to how he was able to, why he came to the conclusion that he did.

MS. CICCARELLI: I feel that it is based on the extra

kitchen and you said that really that has no basis so what's he basing it on.

MR. NUGENT: We don't know and he didn't put that in his report, he didn't put anything specific like partitions or anything.

MR. BABCOCK: Nothing.

MR. KRIEGER: Any reason why he came to the conclusion that it was not a single housekeeping unit? Let me ask you how many floors does the house have?

MS. CICCARELLI: It's a bi-level, you come in the entrance and there's stairs going up and up and down.

MR. KRIEGER: Is it possible for a person in the downstairs portion to go to the upstairs portion without passing through a locked door?

MS. CICCARELLI: Yes.

MR. KRIEGER: Is it possible for a person without going outside?

MS. CICCARELLI: Without going outside, yes.

MR. KRIEGER: Is it possible for a person to go from the downstairs portion to the upstairs portion without going outside without encountering a closed door?

MS. CICCARELLI: Yes.

MR. KRIEGER: Would a person downstairs be able to go upstairs at that person's desire, even if it were not shared by others, if a person downstairs chose to go upstairs, could that person go upstairs?

MS. CICCARELLI: Yes, we're always up and down.

MR. KRIEGER: That person couldn't be blocked by doing that by anybody else?

MS. CICCARELLI: No.

MR. KRIEGER: They couldn't be kept downstairs by a person downstairs couldn't block a person upstairs from going downstairs, there's free access in between?

MS. CICCARELLI: That is right. I suppose that could have been done, if we weren't relations but we are and we, you know, share the house.

MR. KRIEGER: Whether or not it could have been done legally or not, all I am trying to do is establish whether or not that is the case, if that is the case then whether it could or couldn't have been done is academic, you don't do it.

MS. CICCARELLI: No.

MR. KRIEGER: I would suggest that under those circumstances, the board may want to find that it is in fact operated as a single housekeeping unit, which is what's required by the zoning law. If that inquiry does not go far enough to satisfy the board, then I would suggest that members inquire further in that area. I don't pretend that my questions have been exhaustive, may or may not been enough.

MR. NUGENT: Questions?

MR. LANGANKE: Sounds like a single family house to me.

MR. NUGENT: Originally, the applicant came in and wanted to make it a two family.

MS. CICCARELLI: No, we were told we had to, I never, you know, we were told that we had to and we never started any of this.

MR. KRIEGER: No, the problem I think if I remember correctly, the problem that the applicant had is this. Once the fire inspector has issued a violation, then the applicant is faced with the likelihood of having to go into justice court and defend themselves against an accusation of having violated the law.

MS. CICCARELLI: And you can start, it started with the assessor, not the fire inspector.

MR. KRIEGER: One of the ways of doing that, of course, is to obtain a Zoning Board interpretation, if the Zoning Board says that it is a one family, that is binding on any violation that is brought.

MR. REIS: Can I ask a question?

MR. NUGENT: Sure.

MR. REIS: Mike, do we have a C.O. for a single family house?

MS. CICCARELLI: I have it also.

MR. NUGENT: Yes, it does.

MR. REIS: That is established?

MR. NUGENT: Yes.

MR. BABCOCK: Yes, she does, it's C.O. number 571975.

MR. REIS: So the assessor goes to the house and sees something and reports it to the fire inspector, fire inspect goes to the house and makes--

MS. CICCARELLI: No, not at that time, nothing has happened until recently.

MR. NUGENT: Right here.

MS. CICCARELLI: This was all approved, we have had no trouble for almost 20 years, it's the last couple of months that something came in. It all stemmed from the fact that we were told that neighbors and gives no names, neighbors said that our taxes were lower than theirs and I assume it's new neighbors who are taxed at a much higher rate at the price of the house that they paid from what we paid 20 years ago and so the public records, there's, you know, the records are public and so they just assumed they reported us as two family simply because we have both our names and many of the people that I sent letters to on the list have also two last names on their properties. So what am I supposed

to assume that they are two family just by that fact? So this is what I think these neighbors thought.

MR. KRIEGER: Fire inspector says conversion and he's not here to explain what actions he's alleging how it was converted, so we don't know whether he's referring to the some criteria that is inappropriate, such as two names on the mailbox which makes no deference whatsoever.

MS. CICCARELLI: We don't even have any names on the mailbox.

MR. REIS: Can we have the fire inspector meet with the building inspector, make sure he's assuming something from what I can see.

MS. CICCARELLI: It's just assuming it on the fact that we were told it's a two family, not that it is a two family, we were told go ahead with this paperwork, you're going to be pursued as a two family and so that is what he is basing it on, the fact that it's a two family and that in other words, we're in violation but that has never been.

MR. BABCOCK: I don't know how he got to consider it a two family. Alls I do know is that he did and he wrote them two violations, one was to obtain a building permit and a new C.O. from my department. When they came there, of course you know they didn't understand what he was explaining to them so they said we need a new building permit and C.O. for, he's saying what is a two-family house, what do we do, and we said we can't give you a C.O. for two-family house cause you're in a one family zone. So alls we can do is send you to the Zoning Board for a variance. That was our only alternative.

MR. KRIEGER: What I suggested is that an interpretation would do us well because if she received an interpretation from the Zoning Board that said no, it's a one-family house, then in essence there would be a standoff, he's got the violation and he comes and he says you didn't get the building permit and C.O., I'm taking you to court. She goes to court and she

produces a decision from the Zoning Board that says it's a one-family house that is binding on the justice of the court. Therefore, it's more than standoff, here is the piece of paper worth more than his piece of paper. The whole purpose of the interpretation is to, we're seeking an interpretation as to provide her with a defense as to why she didn't obtain a building permit or a C.O.

MS. CICCARELLI: Can I interrupt again? If you can remember the first time we had a hearing, everyone was for dropping this for saying what are we doing here, what are these people doing here, except one man who was here earlier who left who wanted to purchase it and for what reason, I don't know.

MR. KRIEGER: There's a reason and that is this. If the only way that the Zoning Board of Appeals can give you an interpretation that it is a one-family house is to go through this procedure. If the Zoning Board of Appeals didn't go through this procedure, then its action would not be official and would not be binding on the town justice. So, if subsequently a violation were brought against you, you appeared before the town justice, you would not be able to successfully defend that act sayings based on an allegation that some informal decision was made by the Zoning Board. In other words, you need to defend yourself, if it is granted.

MR. NUGENT: So we want an interpretation?

MR. KRIEGER: Yes, that is the first thing you must vote on before considering any use variance criteria. If you vote on the interpretation, then decide to interpret the facts. If the property is in fact a one family use, then you don't have to go to the use variance, that becomes moot, you don't have to act.

MR. NUGENT: Do we have to open it up to the public?

MR. KRIEGER: Yes.

MR. NUGENT: Do you have anymore questions?

MR. REIS: No.

MR. LANGANKE: No.

MR. REIS: Not to God darn plow this and keep plowing it over again, correct me if I am wrong, seems to me that there is possibly an error, the inspector goes and makes a claim that this is, that something's wrong, we don't know what but something's wrong.

MR. BABOCCK: I think Mrs. Ciccarelli has talked to the fire inspectors and they don't believe or feel that there is an error, that is why we're here tonight.

MR. KRIEGER: I might also point out with the public hearing procedure what you were saying before about the inspectors talking to one another, public hearing procedure, the public hearing is a sword that cuts two ways. Not only does it give the applicant an opportunity to put forward any evidence that she wishes to put forward on her behalf, it also gives an opportunity for any persons in this case, such as the fire inspector who wrote the violation, to put forward the reasons why that violation was written and should be upheld. I note for the record the fire inspector isn't here but he could be here but he chose not to be.

MR. NUGENT: All right, would you step aside and let me talk to the audience and then hopefully if they have any questions, you can answer them for them at this time. I'd like to open it up to the public, be brief and try not to be repetitious. And would the person speaking kindly come toward the front of the building because the steno can't hear the people talking in the back of the room.

MR. GILBERT BILYOU: I live at 241 Union Avenue. I have been the neighbors of Ciccarelli and Durso for 18 years, they are fine neighbors. I have the same house, same style house with the same development and it is a single dwelling and I don't see a problem with it at all, I mean Mr. Durso has come over and not even ask me if I needed assistance, he's jumped in there and he's done it. These people are moral, good living citizens of this community and they should be treated fairly to

that and I feel that you can't have better neighbors than that.

MR. NUGENT: Thank you very much. Is there anyone else?

MR. WILLIAM HARNETT: 9 Forrest Hill Road. I've known the Ciccarellis for the last seven years being involved with the Little League with the wife and the husband, my sons play with his kids and as far as I know, the house has only been used as a single family dwelling and blood relations. And I support that.

MR. NUGENT: Anyone else?

LAURA FORZANO: I live at 204 Cambridge Court. I share a property line with Dursos and the Ciccarellis and as far as I know, they are one family living there and my kids grew up with her kids so they are one family. It's not a two family that I know.

MR. NUGENT: Thank you very much. Okay, no further comments?

MR. FRED MC CLARI (phonetic): 408 Carlton Circle, I know the Dursos and Ciccarellis as long as I have lived there and then one family and I have no problem with them being there and sharing a house and whatever.

MR. KRIEGER: This is for any of you who have spoken who care to respond, have any of you ever seen an occasion where either the Dursos or the Ciccarellis were excluded by each other from any family party where only part of them were there and they said to the others keep out or have they always appeared to function together?

MR. BILYOU: They are one big happy family.

MR. KRIEGER: Thank you.

MR. NUGENT: I close the public hearing at this time and open it back up to the board members for any further questions.

April 24, 1995

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MR. LANGANKE: I don't have any questions.

MR. REIS: No questions.

MR. NUGENT: If we're going to be voting on an interpretation that the facts presented to us make it a one-family house.

MR. KRIEGER: As defined on page 4894, section 48-37 of the Town of New Windsor Zoning Code.

MR. LANGANKE: I make a motion that we interpret the Ciccarelli/Durso residence as a single family residence located at 101 Glendale Drive which is in a R-4 zone.

MR. REIS: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. REIS: I move we adjourn the meeting.

MR. LANGANKE: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. NUGENT	AYE
MR. REIS	AYE

Respectfully Submitted By:

Frances Roth

Frances Roth
Stenographer

5/13/95

INTER-OFFICE CORRESPONDENCE

TO: JOHN MC DONALD, ASST. FIRE INSPECTOR
FROM: ZONING BOARD OF APPEALS
SUBJECT: CICCARELLI/DURSO APPLICATION - #95-3
DATE: MAY 1, 1995

At your request, I have attached hereto decision of the Zoning Board of Appeals with regard to the above-entitled application for Interpretation and/or use variance.

If you require additional information, please call me.

Patricia A. Barnhart

Attachment

SQUIRE VILLAGE #85-6 NC ZONE 02/11/85
REQUEST FOR USE VARIANCE TO CONVERT FORMER A&P STRUCTURE TO
ENGINEERING AND DESIGN PROFESSIONAL OFFICE WITH SMALL MODEL SHOP AND
COMPUTER ROOM TO BE LEASED TO KOLLMORGEN CORP.

24-5-12 SHARMA, SURENDRA & RITA USE VARIANCE DENIED
261 UNION AVENUE #81-20 R-4 ZONE 05/13/82
REQUEST FOR USE VARIANCE FOR PROFESSIONAL OFFICE IN R-4 ZONE.

24-5-25 ANTONELLI, NICK AREA VARIANCE GRANTED
225 GARDEN STREET SIDE YARD 11/18/74

24-9-8 HANRETTA, RUTH AREA VARIANCE GRANTED
231 LESLIE AVENUE R-4 ZONE #93-39 10/25/93
REQUEST FOR 5 FT. TOTAL SIDE YARD VARIANCE FOR CONSTRUCTION OF AN
ADDITION AND RAMP AT LESLIE AVENUE RESIDENCE IN R-4 ZONE.

25-2-6 SCIAMANNA, DINO AREA VARIANCE GRANTED
73 HUDSON DRIVE R-4 ZONE #87-36 06/22/87
REQUEST FOR 8 FT. SIDE YARD VARIANCE TO CONSTRUCT TWO-CAR GARAGE
AT ABOVE RESIDENCE.
#91-32 - REQUEST FOR 5 FT. REAR YARD VARIANCE TO BTAIN
CERTIFICATE OF COMPLIANCE FOR AN EXISTING SCREENED-IN PORCH AT HUDSON
DRIVE RESIDENCE.

25-4-3 DRENNEN, MARY ANN AREA VARIANCE GRANTED
104 GLENDALE DRIVE R-4 ZONE #92-19 07/13/92
REQUEST FOR 1.1 FT. SIDE YARD VARIANCE FOR AN EXISTING RESIDENCE
AND A 12 FT. REAR YARD VARIANCE IN ORDER TO CONSTRUCT A DECK AT
GLENDALE DRIVE RESIDENCE IN R-4 ZONE.

25-5-2 CICCARELLI, ADELINE & THOMAS/DURSO, FRANK & MARIA INTERP.
101 GLENDALE DRIVE R-4 ZONE #95-3 04/24/95
REQUEST FOR INTERPRETATION AND/OR USE VARIANCE AS TO WHETHER THE
RESIDENCE AT 101 GLENDALE DRIVE WAS A ONE-FAMILY OR TWO-FAMILY
RESIDENCE. IF DETERMINED THAT IT WAS A TWO-FAMILY, APPLICANTS HAD TO
PURSUE THE USE VARIANCE PORTION SINCE TWO-FAMILY IS NOT PERMITTED IN
AN R-4 ZONE. BOARD INTERPRETED THAT THE RESIDENCE IS A ONE-FAMILY
RESIDENCE. NO USE VARIANCE WAS NECESSARY.

25-5-6,8 PARKDALE ESTATES, INC. AREA VARIANCES GRANTED
203/206 CAMBRIDGE COURT #74-3 RB ZONE 3/18/74
EXISTING RESIDENCES LOCATED AT 203 AND 206 CAMBRIDGE COURT BOTH
REQUIRED REAR YARD VARIANCES.

25-5-9 ULLMAN, STUART AREA VARIANCE GRANTED
201 CAMBRIDGE COURT R-4 ZONE #94-15 07/11/94
REQUEST FOR 10 FT. REAR YARD VARIANCE FOR REPLACEMENT OF EXISTING
10 X 14 FT. DECK AT RESIDENCE ON CAMBRIDGE COURT IN R-4 ZONE.

25-5-29 SOLLAS, RICHARD AREA VARIANCE GRANTED
405 CARLTON CIRCLE #87-13 R-4 ZONE 04/13/87
REQUEST FOR AREA VARIANCE TO ALLOW EXISTING 8 FT. FENCE WHICH IS
CONSTRUCTED 7 INS. OFF PROPERTY LINE AND INSUFFICIENT SIDE YARD FOR
EXISTING ABOVE-GROUND POOL, IN VARIANCE OF SECTION 48-14C(1) OF THE
SUPPLEMENTARY YARD REGULATIONS AND SECTION 48-21G(1) OF THE
SUPPLEMENTAL USE REGULATIONS ALONG PORTION OF REAR PROPERTY LINE IN
R-4 ZONE.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

Rec'd.
ZBA 4/13/95 (PAR)

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 3

Request of Frank & Maria Durso / Adeline & Thomas Ciccarelli

for a VARIANCE of the Zoning Local Law to permit:

Use as a two-family residence in an R-4 zone and/
or Interpretation of said use;

being a VARIANCE of Section 48-9- Table of Use/Bulk Regs.,
Col. A

for property situated as follows:

101 Glendale Drive, New Windsor, NY

known as tax lot Section 25 Block 5 Lot 2.

SAID HEARING will take place on the 24th day of April,
19 95, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P.M.

James Nugent
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Ciccarelli / Durso

Applicant.

95-3.

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On April 12, 1995, I compared the 47 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart

Sworn to before me this
12th day of April, 1995.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

FPC-94-115 2BA file

COMPLAINT FORM

NAME OF COMPLAINANT: Several Neighbors

ADDRESS: _____

TELEPHONE: HOME () _____ WORK () _____

DATE COMPLAINT RECEIVED: 12/27/94 TIME: 0900

NAME OF OCCUPANT: Frank + Maria Dorso, + Adeline + Thomas Ciccarelli

ADDRESS OF OCCUPANT: 101 Glendale Drive, New Windsor, NY

SECTION: 25 BLOCK: 5 LOT: 2

PROPERTY OWNER: Frank + Maria Dorso

ADDRESS: 101 Glendale Drive, New Windsor, NY

TELEPHONE: HOME 914, 565-6066 WORK () _____

NATURE OF COMPLAINT: 1) Illegal Conversion from a One (1) Family Dwelling to a two (2) Family Dwelling

ACTION TAKEN: Advised Owner to obtain Building Permit + Certificate of Occupancy And Planning Board Approval.

ORDER TO REMEDY VIOLATION SENT: 12/27/94

CORRECTIVE ACTION TAKEN: _____

APPEARANCE TICKET SERVED: _____

DATE: 12/27/94

James J. Donald
FIRE INSPECTOR

Prelim.
Jan. 23, 1995.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JANUARY 5, 1995

APPLICANT: FRANK AND MARIA DURSO
101 GLENDALE DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: JANUARY 3, 1995
FOR (BUILDING PERMIT): CONVERSION TO TWO FAMILY HOME
LOCATED AT: 101 GLENDALE DRIVE

ZONE: R4

DESCRIPTION OF EXISTING SITE: SECTION: 25, BLOCK: 5, LOT: 2
SINGLE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. TWO (2) FAMILY DWELIING NOT A PERMITTED USE IN AN R4 ZONE.

Ernst Schmidt

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R4	USE	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Frank & Marcia Duford
Address 101 Gendy Rd. New Windsor, NY 12553 Phone (914) 565-6066
Name of Architect
Address Phone
Name of Contractor Morton Silberberg
Address Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder. OWNER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the NE side of Glendale Dr. New Windsor, NY
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No ✓
3. Tax Map description of property: Section 25 Block 5 Lot 2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy family dwelling b. Intended use and occupancy same 2 FAMILY
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other _____
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? yes
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms 5 Baths 3 Toilets 3
Heating Plant: Gas ✓ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
(to be paid on this application)
11. School District Newburgh School District

convert to two-family

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

* Needs VARIANCE R-4 ZONE *

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer
Water
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

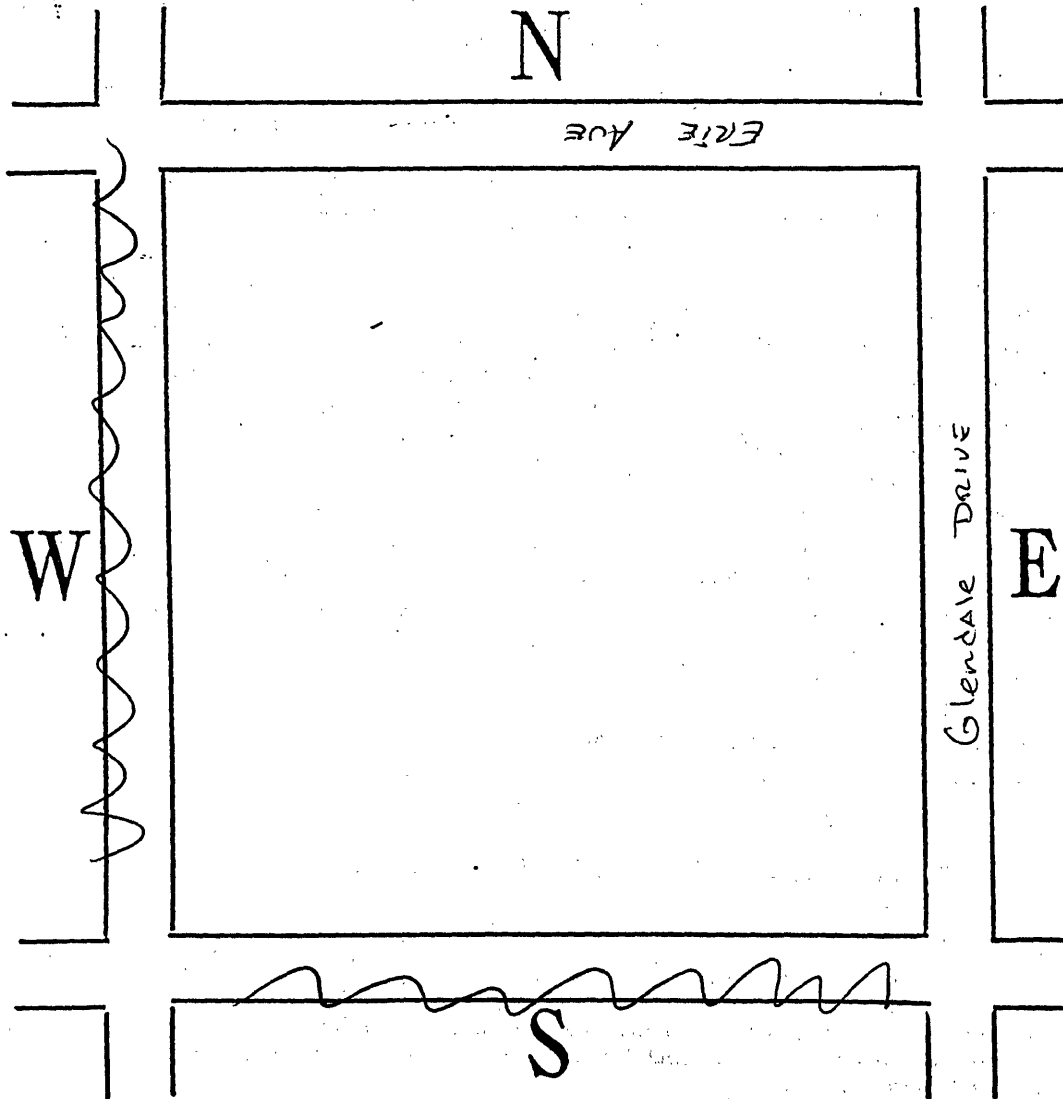
Adeline C. Cunniff
(Signature of Applicant)

101 Glendale Dr., New Windsor, NY
(Address of Applicant)

PLOT PLAN

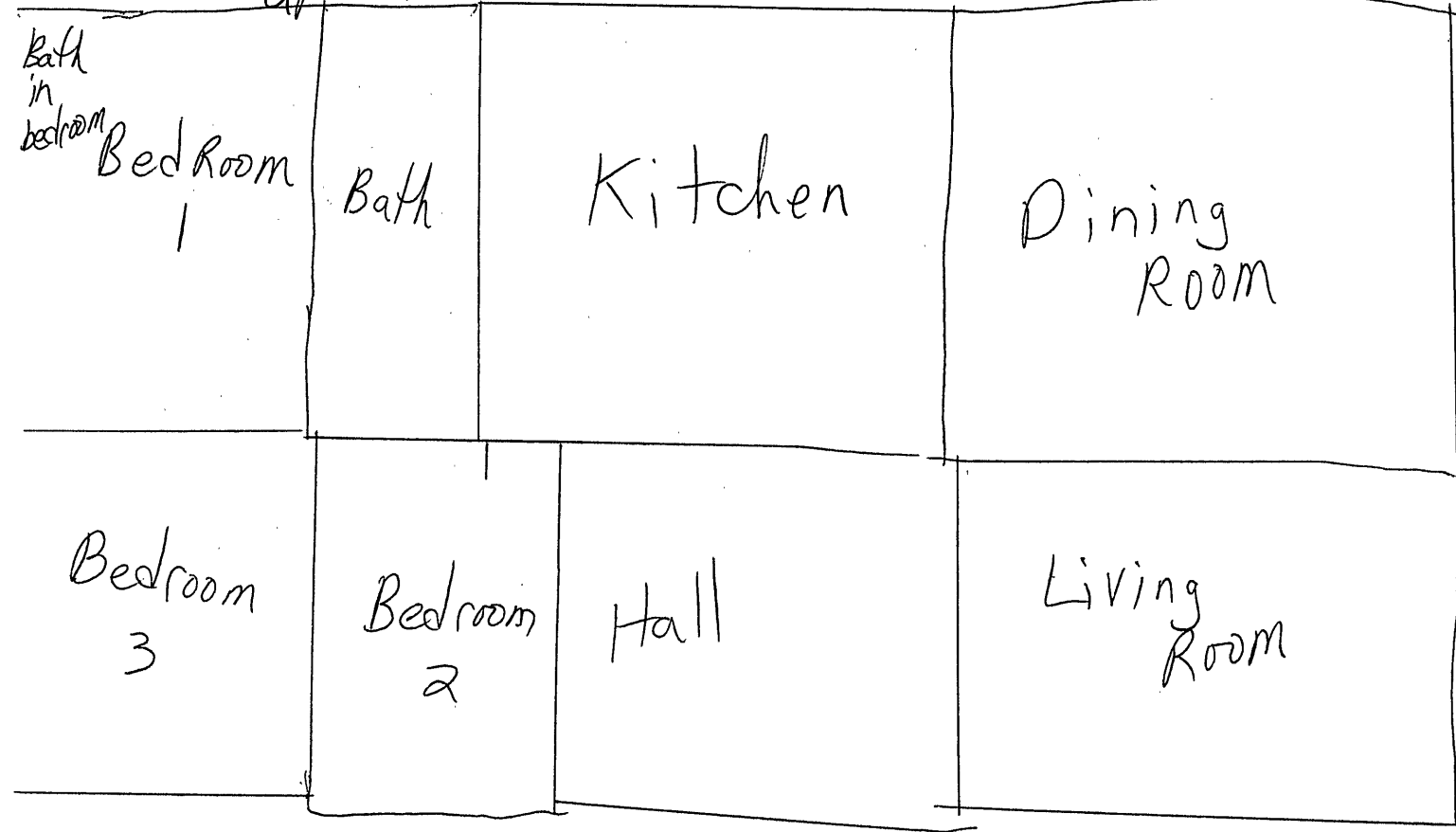
NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



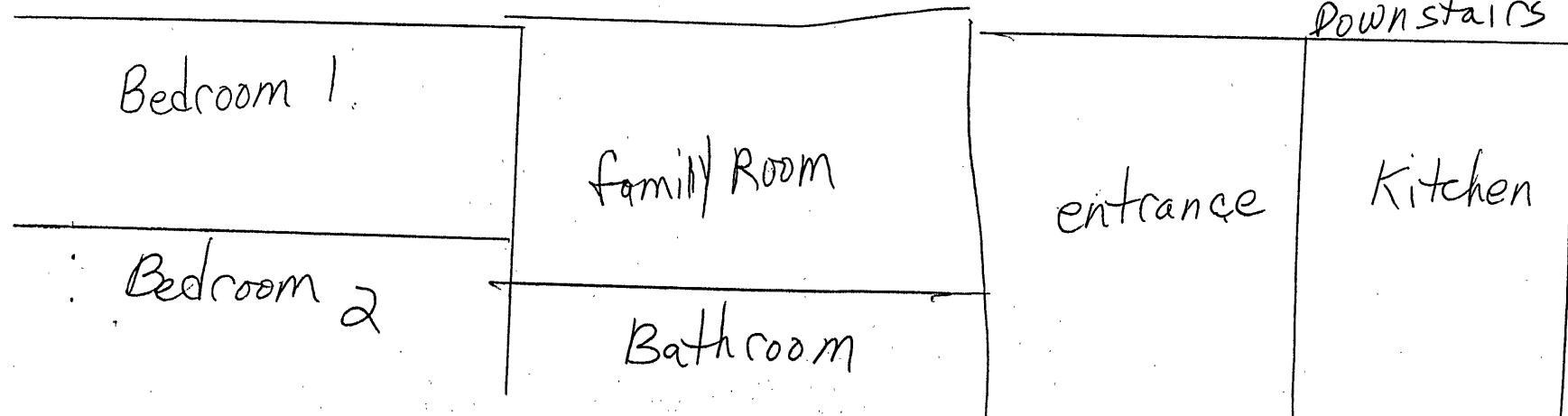
101 Glendale Dr.

upstairs



5 Bedrooms
2 Kitchens
2 separate entrances

downstairs



The seller will perform the following work which is included in the Purchase Price of said home. It is understood that the major portion of the following work will be performed after closing of title:

1) Move boiler and hot water heater approximately 3'-0" from present location in boiler room.

125.-

2) Construct and install shower to open from existing powder room.

190.

3) Break up concrete floor in present bath, boiler room, garage to allow for new underground plumbing pipes.

- Recement floor to be
level with existing floor. 235.
- 4) Install adequate heat and
plumbing pipes for customers
bar sink at center rear
wall of garage. The
area to be finished will
be the rear half of the
garage from the existing
header to the rear wall. 275.
- 5) Install kitchen cabinets
on rear wall of garage,
less space for refrigerator
and 30" floor standing range 525.
- 6) Install 30" floor standing
range 225.
- 7) Tile walls of shower and
floor of powder room 150.

- 8) Install shower door 70.
- 9) Install window on rear wall of garage. Repair shingles to match as close as possible 95.
- 10) Sheetrock, trim, paint existing storage room and new room at rear half of garage 390
- 11) Install asphalt tile floors in storage room and rear half of garage 150.
- 12) Install door at bottom of steps; Install 2'-6" closet door in den; Build closet and door in storage room. Panel over doorway to rec room closet. Install 2'-6" door from garage to new room

at rear of garage

120.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/5/95

APPLICANT: FRANK & MARIA DURSO
101 GLENDALE DR
NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 1/3/95
FOR (BUILDING PERMIT) CONVERSION TO TWO FAMILY HOME
LOCATED AT 101 GLENDALE DR

ZONE R4
DESCRIPTION OF EXISTING SITE: SEC: 25 BLOCK: 5 LOT: 2
SINGLE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS: ~~THIS IS A~~
~~NON CONFORMING USE IN AN R-4 ZONE~~ 2 FAMILY NOT
A PERMITTED USE IN AN R4 ZONE

Chris Schmidt
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R4</u> USE _____		
MIN. LOT AREA _____	_____	_____
MIN. LOT WIDTH _____	_____	_____
REQ'D FRONT YD _____	_____	_____
REQ'D SIDE YD. _____	_____	_____
REQ'D TOTAL SIDE YD. _____	_____	_____
REQ'D REAR YD. _____	_____	_____
REQ'D FRONTAGE _____	_____	_____
MAX. BLDG. HT. _____	_____	_____
FLOOR AREA RATIO _____	_____	_____
MIN. LIVABLE AREA _____	_____	_____
DEV. COVERAGE _____ %	_____ %	_____ %

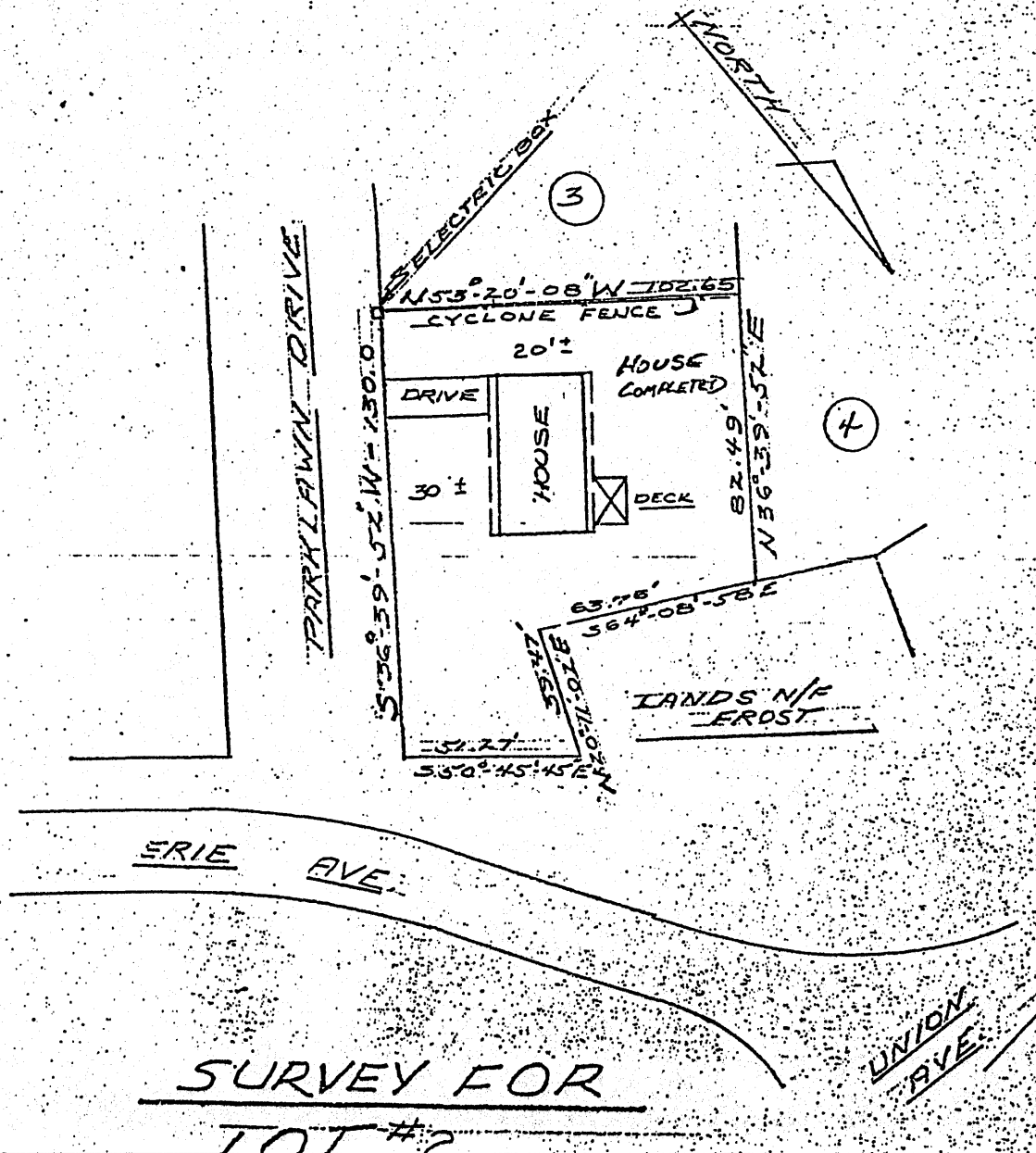
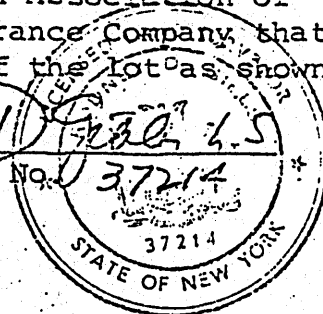
APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

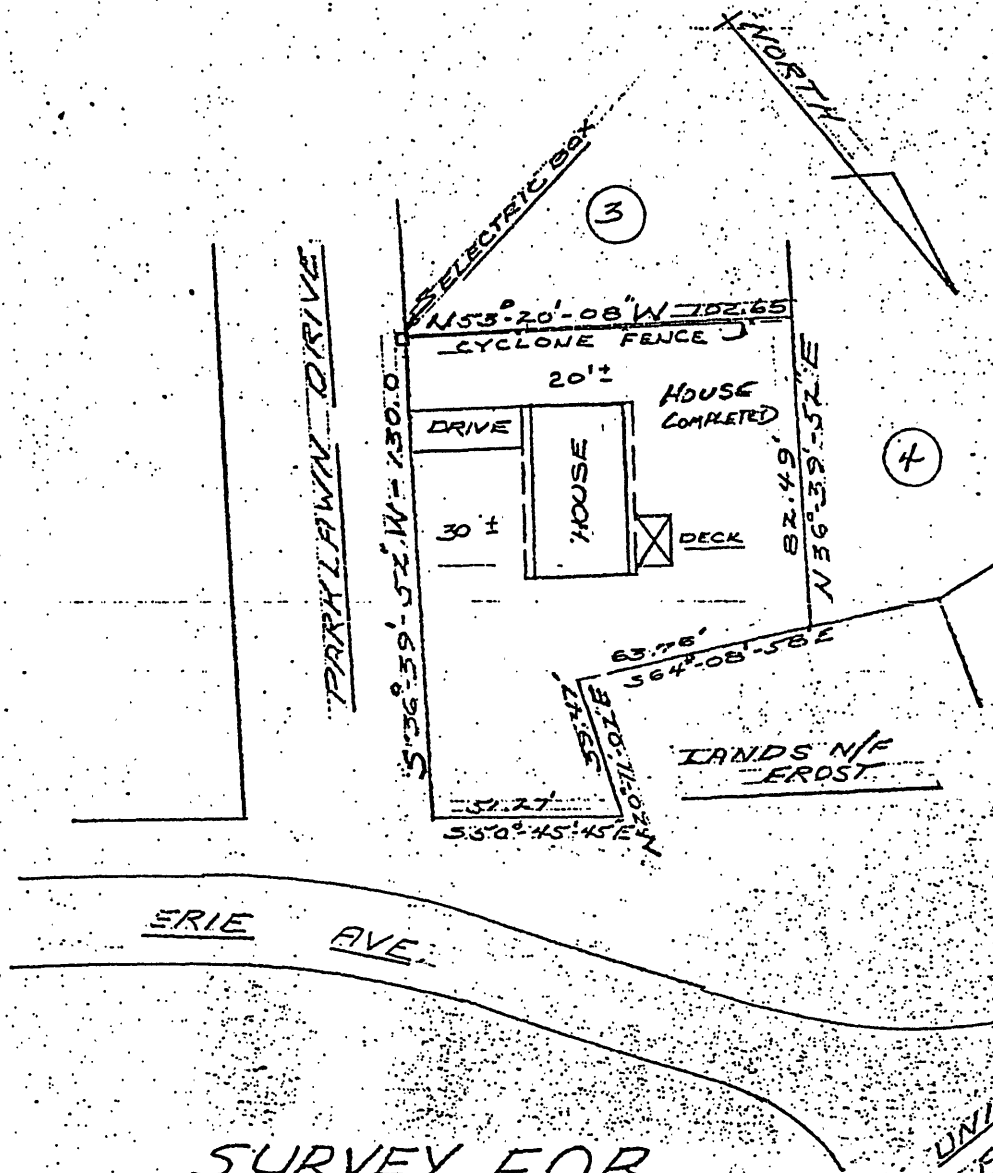
OF APPEALS.

414) 563-4630
CC: Z.B.A., APPLICANT, B.P. FILE

I hereby certify to the Provident Savings and Loan Association of Haverstraw, New York, and the American Title Insurance Company that the house is located entirely within the bounds of the lot as shown.

By Edmund J. [Signature]
N.Y.S. License No. 37214





SURVEY FOR
LOT #2
PARK LAWN

TOWN OF NEW WINDSOR

COUNTY OF ORANGE

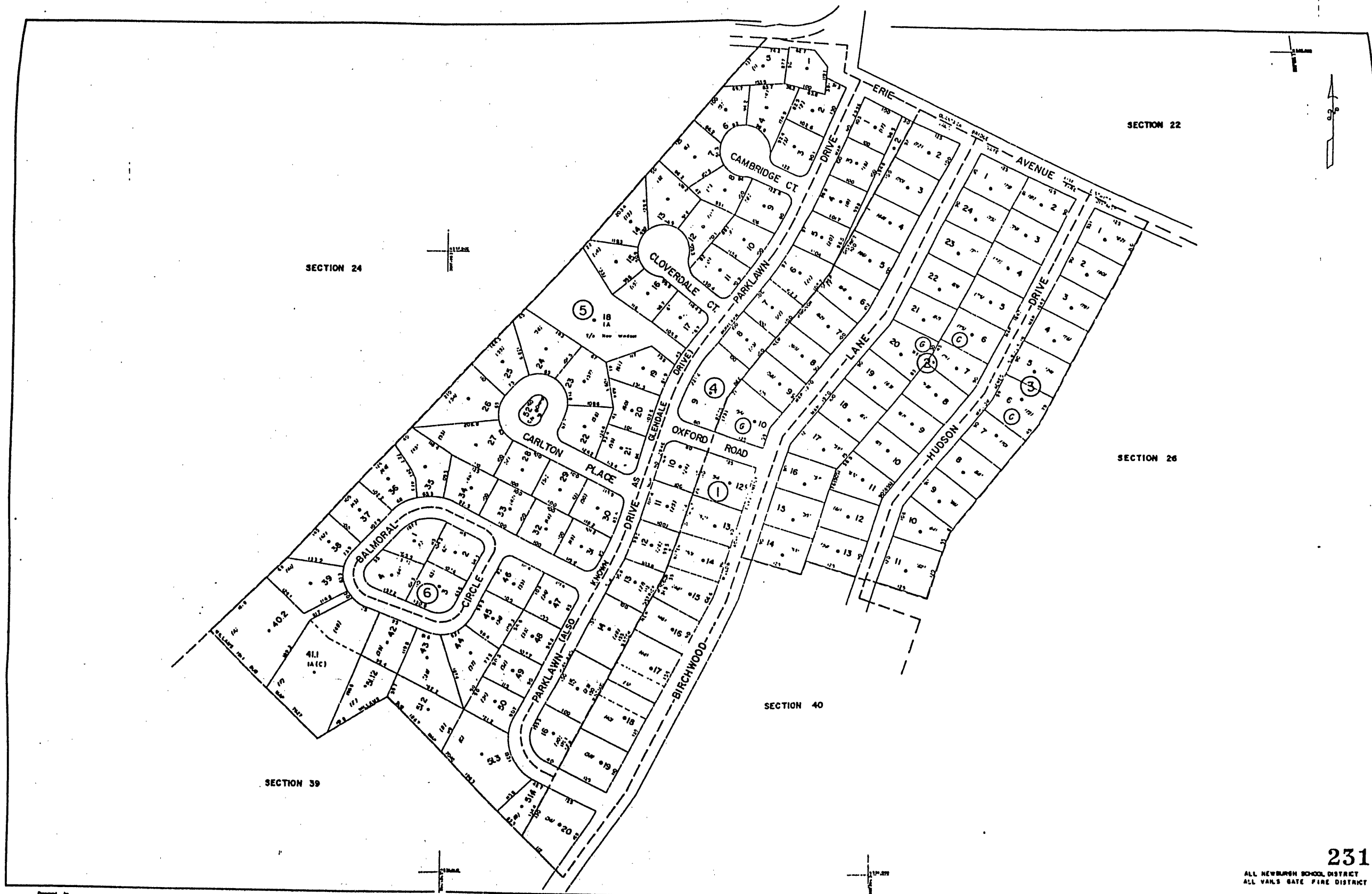
SCALE - 1" = 50'

JULY 31, 1973

REVISED 9-9-74

REVISED 7-25-75

ELISTANCE & HOROWITZ, P.C.
 BOX 525, CIRCLEVILLE, N.Y. 10919



231

ALL NEWBURN SCHOOL DISTRICT
ALL VAN'S GATE FIRE DISTRICT

Prepared by
AERO SERVICE CORPORATION
A DIVISION OF AEROSPACE INDUSTRIES
1000 WEST 10TH ST. ST. LOUIS, MO. 63103
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE & COUNTY LINES	CHURCH LINES	PAVED PLAN BLOCK NO.	PAVED PLAN BLOCK NO.
CITY TOWN VILLAGE	FAIRWAY LINES	PAVED PLAN PARCEL NO.	PAVED PLAN LOT NO.
ALSO IN 1/4"	MATCH LINES	AREAS	STATE HIGHWAYS
UNIMPROVED	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY			TOWN ROADS

ORANGE COUNTY~NEW YORK

Photo No. 14-31,32 Date of Map: 9-24-87
Date of Photo: 3-1-82 Date of Revision: 3-1-81
Scale: 1"=100'

TOWN OF NEW WINDSOR

Section No. 25

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYER

THIS INDENTURE, made the 5TH day of AUGUST 1974, LIBER 2014 PG 840
BETWEEN PARKDALE ESTATES, INC., with offices at 125 Glendale Drive,
New Windsor, New York,

party of the first part, and FRANK A. DURSO and MARIA C. DURSO, his wife, both
residing at 68 Walsh Road, Newburgh, New York, and THOMAS R. CICCARELLI
and ADELINE A. CICCARELLI, his wife, both residing at 7J Squire Village,
New Windsor, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange, State of New York,
being more particularly described as follows: BEING known and designated as
Lot No. 2 on a certain map entitled Parklawn, made by Eustance & Horowitz,
P.E. & L.S., dated October 11, 1972 and last revised March 21, 1973, and
filed in the Orange County Clerk's office on May 22, 1973 as filed Map No. 2996
Pocket 15, Folder A.

Reserving to the party of the first part all rights, title and interest in and to
any streets and roads abutting the above-described premises, but granting an
easement of ingress and egress until the same is dedicated as a public road
or street.

44-0417

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

- IN PRESENCE OF:

By: 11 Thornton delle Sec.

Thomas P. Leavelle

John D. [Signature]

**PREVIOUS
DOCUMENT
IN POOR
ORIGINAL
CONDITION**

STATE OF NEW YORK, COUNTY OF **ORANGE** Rockland, SS:

On the ^{5th} 30th day of ^{AUGUST} July, 1975, before me personally came Frank A. Durso, Maria C. Durso, Thomas R. Ciccarella and Adeline A. Ciccarella, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

John G. Stanton

JOHN G. STANTON
Notary Public, State of New York
Residing in Orange County
Commission Expires March 30, 1977

STATE OF NEW YORK, COUNTY OF Rockland, SS:

On the ^{5th} 30th day of ^{AUGUST} July, 1975, before me personally came N. Morton Silberberg to me known, who, being by me duly sworn, did depose and say that he resides at No. 9 Dunhill Lane, Monsey, New York; that he is the secretary of Parkdale Estates, Inc.

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Michael Cataldi
Qualification Rockland County
Commission Expires 3/30/76

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

COUNTY OR TOWN of New Windsor

Parklawn

#2

TITLE NO.

Parkdale Estates to Durso, Ciccarelli

Recorded At Request of:

MID VALLEY ABSTRACT CORP.

Agent For



RETURN BY MAIL TO:

John Stanton, Esq.
Quaissack Avenue (Route 9W)
New Windsor, N.Y. 12550

Zip No.

STANDARD FORM OF
NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by

MID VALLEY ABSTRACT CORP.

25 Cannon Street
Poughkeepsie, New York 12601
(914) 471-7177



A Member of The Continental Insurance Companies

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

057051
ORANGE COUNTY
REAL ESTATE
TRANSFER TAX
STATE OF NEW YORK
Dept. of Taxation & Finance
AUG 12 '75
PR. 10451
04.95
M.L.P.

LIBER 2014 PG 344

Orange County Clerk's Office, s.s.

Recorded on the 12th day

Aug 19 75 at 10:45

clock 10 A.M. in Liber 2014

at page 344

and Examined.

C. N. Winters

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

95-3

Date: 4/4/95

I. Applicant Information:

- (a) Frank Dursio 101 Glendale Dr. New Windsor, NY 12553 ⁹¹⁴⁻⁵⁶⁵⁻⁶⁰⁶⁶
(Name, address and phone of Applicant) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☒ Use Variance
☐ Area Variance

- ☐ Sign Variance
☒ Interpretation

III. Property Information:

- (a) R-4 101 Glendale Dr. New Windsor NY 12552 150x125
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? R-4
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 1975
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? NO
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: Shed

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 25-5-2, Table of USE Bulk Regs., Col. A, to allow: 48-9 ^{Reg.}
(Describe proposal)

Change to two-family dwelling

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

I cannot pay for the house without the help of my daughter and her husband. That is why we purchased the house together and have continued to live together these 20 years. Not granting the variance will result in everyone being without a home in which to live. Also we did everything legally at the time of purchase and were told it was allowed for a family to live together.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

N/A
(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-33A, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

That we should be allowed to live in the house as before being blood relations making no part of the arrangement.

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

47

February 10, 1995

Mr. and Mrs. Frank Durso
101 Glendale Drive
New Windsor, N. Y. 12553

Re: Tax Map Parcel #25-5-2

Dear Mr. and Mrs. Durso:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: Pat Barnhart



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

February 10, 1995

Mr. and Mrs. Frank Durso
101 Glendale Drive
New Windsor, N. Y. 12553

Re: Tax Map Parcel #25-5-2

Dear Mr. and Mrs. Durso:

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Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

LESLIE COOK
Sole Assessor

/pab
Attachment
cc: Pat Barnhart ✓

Carpanini, Alan A. & Eleanor F.
72 Birchwood Drive
New Windsor, N. Y. 12553 X

Cosgrove, Ann L.
70 Birchwood Drive
New Windsor, N. Y. 12553 X

Ellick, Irwin & Jason & Charles J.
68 Birchwood Drive
New Windsor, N. Y. 12553 X

Corcoran, Kenneth I. & Cecelia
66 Birchwood Drive
New Windsor, N. Y. 12553 X

Bartel, Albin J. & Rose M.
64 Birchwood Drive
New Windsor, N. Y. 12553 X

Flanagan, Rose M.
62 Birchwood Drive
New Windsor, N. Y. 12553 X

Van Voorhis, Robert J.
60 Birchwood Drive
New Windsor, N. Y. 12553 X

Groff, Gordon B. & Eleanor S.
75 Birchwood Drive
New Windsor, N. Y. 12553 X

Metzger, Edwin J. & Kathleen A.
81 Hudson Drive
New Windsor, N. Y. 12553 X

Rink, Hartmouth D. & Audrey
801 SE 8th Street
Atkins, AR 72823 X

Powles, Harold J. & Rita A.
77 Hudson Drive
New Windsor, N. Y. 12553 X

Dario, Anthony & Kathryn Anne
75 Hudson Drive
New Windsor, N. Y. 12553 X

Hartmann, Ingrid
67 Birchwood Drive
New Windsor, N. Y. 12553 X

Garofal, John B. & Kathleen
69 Birchwood Drive
New Windsor, N. Y. 12553 X

Solfaro, Anthony V. & Judith
71 Birchwood Drive X

New Windsor, N. Y. 12553

Soricelli, John G. & Carol S.
73 Birchwood Drive
New Windsor, N. Y. 12553 X

Bracco, Ralph J. & Linda
102 Glendale Drive
New Windsor, N. Y. 12553 X

Drennan, Mary Ann & John T.
104 Glendale Drive
New Windsor, N. Y. 12553 X

Paul, Henry & Anna
106 Glendale Drive
New Windsor, N. Y. 12553 X

Ruta, Damon W. & Filja P.
108 Glendale Drive
New Windsor, N. Y. 12553 X

Walborn, David P. & Jeanne
110 Glendale Drive
New Windsor, N. Y. 12553 X

Kochan, John T. & Makar, Maryann
112 Glendale Drive
New Windsor, N. Y. 12553 X

Chapman, David & Phyllis
114 Glendale Drive
New Windsor, N. Y. 12553 X

Sweitzer, Keith L.
155 Erie Avenue
New Windsor, N. Y. 12553 X

Hamlet, James T. & Dawson, Denise
202 Cambridge Court
New Windsor, N. Y. 12553 X

Forzano, Michael & Laura
204 Cambridge Court
New Windsor, N. Y. 12553 X

Bilyou, Gilbert A.
241 Union Avenue
New Windsor, N. Y. 12553 X

Flamholtz, H. Michael & Karen
206 Cambridge Court
New Windsor, N. Y. 12553 X

Clayton, Robert E. & Mary Ann
205 Cambridge Court
New Windsor, N. Y. 12553 X

Pisani, Joseph & Leona
203 Cambridge Court
New Windsor, N. Y. 12553 X

Ullman, Stuart & Gladys
201 Cambridge Court
New Windsor, N. Y. 12553 X

Pfeifer, Valentine & Alenka
P. O. Box 4073
New Windsor, N. Y. 12553 X

Brown, Howard, Sr., & Jill
302 Cloverdale Court
New Windsor, N. Y. 12553 X

Slepoy, Alan & Rene
304 Cloverdale Court
New Windsor, N. Y. 12553 X

Jeffrey, I. & Epstein, Ga
306 Cloverdale Court
New Windsor, N. Y. 12553

Rivera, Luis W. & Catherine M.
307 Cloverdale Court
New Windsor, N. Y. 12553 X

Myhed Corporation
P. O. Box 1150
Newburgh, N. Y. 12550 X

Town of New Windsor X
555 Union Avenue
New Windsor, N. Y. 12553

Consolidated Rail Corp. X
6 Penn Center Plaza
Philadelphia, PA 19103

Coyle, Kevin & Wazolek, Susan
2 Elm Street
New Windsor, N. Y. 12553 X

Rizzuto, Louis J.
1 Elm Street X
New Windsor, N. Y. 12553

Hoffman, George E. & Marilyn D.
5 Elm Street X
New Windsor, N. Y. 12553

Anderson, Janet
% Graham, Janet X
6 Elm Street
New Windsor, N. Y. 12553

King, Alex & Irene X

4 Elm Street
New Windsor, N. Y. 12553

Domingo, Jose M. & Rebecca I.
3 Elm Street
New Windsor, N. Y. 12553 X

Schiela, Linda J.
251 Union Avenue
New Windsor, N. Y. 12553 X

Miller, Kenneth J. & Helen K.
65 Birchwood Lane
New Windsor, N. Y. 12553 X

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Local File No. 95-3.

OCPD-1

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR <i>Frank Durso</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>101 Glendale Dr. New Windsor, NY</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Proposal - existing two-family in one-family zone</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly _____	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals _____	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval _____	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Frank Durso</i>	Date: <i>4/4/95</i>
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date



COUNTY OF ORANGE

JOSEPH G. RAMPE
COUNTY EXECUTIVE

Rec'd. ZBA - 4/17/95

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (914) 294-5151, EXT. 1770 FAX: (914) 294-3546

PETER GARRISON, COMMISSIONER

ORANGE COUNTY DEPARTMENT OF PLANNING 239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:

OCDP Reference No.: NWT 2 95 M

County I.D. No.: 25-5-2

Town of New Windsor

Applicant:

Adeline Cicccarelli

Proposed Action:

Use Variance - Two Family in an R-4 Zone

State, County, Inter-Municipal Basis for Review:

Within 500' of County Hwy #69

Comments:

There are no significant inter-community or countywide considerations to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X

Disapproved

Approved

Approved subject to the following modifications and/or conditions:

Date:

4/13/95

B. Vincent Howard
Deputy Commissioner

January 23, 1995

23- \$ 103.50 2

PRELIMINARY MEETING:

CICCARELLI/DURSO

MR. NUGENT: Request for two-family residence in single family R-4 zone at 101 Glendale Drive. Use not permitted (25-5-2)

Mrs. Ciccarelli and Mr. Durso appeared before the board for this proposal.

MRS. CICCARELLI: We have been at the residence for 19 1/2 years and we have always had our names on everything, it was never a secret that we were together but we have to do this because of financial reasons and hasn't gotten any better over the years. That is why we're still together.

MR. DURSO: There was nothing done, nothing legally and I don't, and I'm on a fixed income and I have a wife that she's not well.

MR. NUGENT: What you're saying is that your parents live with you in this case?

MRS. CICCARELLI: Yes.

MR. KRIEGER: One or both sets?

MRS. CICCARELLI: No, it's my mother and father.

MR. KRIEGER: The two of you and your mother and father?

MRS. CICCARELLI: My husband and myself and we have three children.

MR. LANGANKE: Where is Glendale Avenue located?

MR. NUGENT: Right off of Erie.

MRS. BARNHART: New development.

MR. TORLEY: Not that new.

January 23, 1995

3

MRS. BARNHART: It's new when you are referring to the zoning, it's new.

MR. KRIEGER: How long ago did your parents come to live with you?

MRS. CICCARELLI: We have been from the very beginning.

MR. KRIEGER: The outward appearance of the house, how many front doors does it have?

MRS. CICCARELLI: Now it has two.

MR. KRIEGER: Did it at one time have one?

MRS. CICCARELLI: Yes, that is where the garage was and that wasn't from the builder, but all of the inside was by the builder and he said that it was fine to do.

MR. KRIEGER: What did you do, convert the garage and put a door there, is that it?

MRS. CICCARELLI: We, well, it was always with heat, he put half of the garage as the kitchen right from the start and then there was heat in the other part and I took the garage door down because it was always when it was lifted, it was always breaking the top, you know, things of the garage door and I was afraid of the safety, plus you know I wanted to have it as another entranceway not to have to come in and downstairs.

MR. KRIEGER: So you took the garage door out and put a passenger door, personal door in?

MRS. CICCARELLI: Yes.

MR. KRIEGER: But the inside of the dwelling has existed that way for some time?

MRS. CICCARELLI: Yes.

MR. KRIEGER: How many electrical services does it have?

MRS. CICCARELLI: Well, we had the 220 line put in.

MR. KRIEGER: Two separate?

MR. NUGENT: How many meters?

MRS. CICCARELLI: No, it is one meter.

MR. NUGENT: One boiler?

MRS. CICCARELLI: Yes.

MR. KRIEGER: To heat the hot water, is that one unit that does the whole thing?

MRS. CICCARELLI: Yes.

MR. KRIEGER: Are you going to make any change to that?

MRS. CICCARELLI: No.

MR. KRIEGER: Mike, what were they cited for, when the door changed, was that it?

MRS. CICCARELLI: No, that has been there for years too.

MR. KRIEGER: How did you come to be here?

MRS. CICCARELLI: They said there were complaints from neighbors, they don't say who or why.

MR. BABCOCK: The fire inspector's office was here, was there, there's a complaint that he wrote out on that.

MRS. CICCARELLI: He never came to the house. We had the assessor and she said that she was just asking questions, she didn't say neighbors had complained, even when we found out.

MR. BABCOCK: I'm just reading from the file. I'm not trying to say.

MRS. CICCARELLI: I'm just saying the inspector wasn't there. After the assessor was there, we got a letter from the fire inspector.

MR. KRIEGER: What was the problem with the fire inspector or was there a problem?

MRS. CICCARELLI: He didn't really say. He said you're two families and it's not zoned as two families and I told him it's been that way all these years and that is what the builder did.

MR. KRIEGER: Do you know how you're assessed, how your taxes are, one or two family?

MRS. CICCARELLI: Well, it's all our names, it was always two.

MR. KRIEGER: One tax bill?

MRS. CICCARELLI: One bill, yes, with all the names.

MR. KRIEGER: With all the names but it's one tax bill?

MRS. CICCARELLI: Yeah.

MR. KRIEGER: You two pay, either of you?

MRS. CICCARELLI: Yes.

MR. KRIEGER: I would suggest, Mr. Chairman, that especially in view of the difficulties in obtaining a use variance which have been known to this board sometimes that there is sufficient question here that they ought also to apply for an interpretation, I think I'll only go as far as saying in my mind there's a very real question that this is the family house.

MRS. CICCARELLI: Well, that is what I've heard that since we're related, it's mother-daughter, they said there's no such thing as a mother-daughter, even though you hear about that all the time and I know just recently someone purchased a house in the same development listed with the real estate agent as a legal mother and daughter.

MR. KRIEGER: Whether a real estate agent's belief is legal or not, is not binding on most of the rest of the

world.

MR. LANGANKE: Did the assessor come inside the house?

MRS. CICCARELLI: No.

MR. LANGANKE: Did the fire inspector?

MRS. CICCARELLI: No.

MR. LANGANKE: How did somebody know?

MS. CICCARELLI: I think it's based on neighbors who somehow look for trouble and based upon someone coming in saying his tax bill was higher when he just purchased the house recently and then comparing it with everyone else in the development picking us out because we had both our names saying why is ours lower than his.

MR. LANGANKE: Just seems like an extended family sharing a common residence.

MR. KRIEGER: The court's have held that you are, you can't narrow the definition of family to immediate children, immediate parents, that is legally impossible to draw that narrowly.

MR. TORLEY: Blood and marriage, it's blood and marriage.

MR. NUGENT: What's your name?

MRS. CICCARELLI: It seems like it would have been the builders.

MR. DURSO: He said there was no problem whatsoever and I brought that out two times and we also brought that out when we went to the bank and he said there was no problem whatsoever. I'm on a fixed income and I have a wife that is, she's not well and there's no way that whoever made this complaint, we just don't bother anyone.

MRS. CICCARELLI: They asked if we had a lot of cars

around, anything on the property that people wouldn't like, like I had a mess or anything and it's not, that is not the case.

MR. KRIEGER: I may not have understood fully the situation, which one of you is Ciccarelli?

MRS. CICCARELLI: I am.

MR. KRIEGER: You're there with your husband who is not present here tonight?

MRS. CICCARELLI: No.

MR. KRIEGER: You are Mr. Durso?

MR. DURSO: That is correct.

MR. KRIEGER: You are living there with your wife?

MR. DURSO: That is correct.

MR. KRIEGER: Mrs. Ciccarelli, your parents are there, is there anybody else in the house?

MRS. CICCARELLI: Well, my sister for the time being, she's not married and she plans not to--you know.

MR. KRIEGER: She's not a resident, she's a guest, maybe a long term guest but a guest all the same?

MRS. CICCARELLI: Yes.

MR. KRIEGER: Are there children or anything like that?

MRS. CICCARELLI: Yes, yeah, my children, I have three children.

MR. DURSO: But upstairs with me was just my wife, my wife and my other daughter.

MR. KANE: Is there any dividing part in the house that requires you to go outside of the building to get into the other? Is the house divided into two separate units in any way?

MR. KRIEGER: Or is it possible to go between them without going outdoors?

MRS. CICCARELLI: Yes, it's a bi-level and you can go up the stairs and there's a door.

MR. KRIEGER: Nothing prohibiting or blocking?

MR. KANE: Michael, you had a point?

MR. BABCOCK: I just wanted to make a statement that one person can talk at one time so we can get them on tape here, that is all. I wasn't involved in this. If you'd like to look at the nature of the complaint, it says several neighbors, so I don't know whether they received phone calls apparently and then there was an order of remedy written by John McDonald. Do you have that?

MR. NUGENT: I have one of them, I'm not sure which one. It is a complaint form.

MRS. CICCARELLI: Excuse me, at the time when I talked to the building inspector, he said that when the house years ago had been inspected by, now he's deceased, the building inspector at that time that the builder had not yet put the kitchen downstairs and so I guess the builder had never had the building inspector come back and check it after that was done.

MR. BABCOCK: I don't think quite honestly we can tell that right now, we don't know, we weren't there so I don't know that he can tell you what was there and what was not there back in 1975.

MRS. CICCARELLI: That seemed to be what they were telling me that it was inspected when it was a model and before the other kitchen was put in and so you know I have no idea.

MR. KRIEGER: There are two kitchens in this house?

MRS. CICCARELLI: Yes.

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MRS. CICCARELLI: Yes.

MR. KRIEGER: By whom is one of the kitchens used?

MRS. CICCARELLI: One upstairs for my parents and mine downstairs, which the builder put in.

MR. KRIEGER: Mr. Durso, which kitchen do you use?

MR. DURSO: I use the one upstairs.

MR. BABCOCK: Mr. Chairman, there's no requirement, there's several houses in the Town of New Windsor that have two kitchens.

MR. KRIEGER: Number of kitchens is not alone a determinant, what the law says to determine whether in fact it's a two-family house, it's a question of fact which must be decided on the facts of each individual case. There's no magic lone star determinant you can say poof, if this exists, therefore it is.

MR. TORLEY: The fact that there is access between the parts of the house without going outside, to me implies that it is still single family.

MR. KRIEGER: That it is operating as one unit instead of two certainly that is, that has been recognized by the courts as an important salient feature. Question Mr. Kane was well taken in that regard but what happened you got the order to remedy, have you?

MRS. CICCARELLI: I don't know how to remedy, I don't really know what they want.

MR. KRIEGER: Just procedurally.

MR. NUGENT: We're trying to figure that out, too.

MR. BABCOCK: What the order states is that they need a building permit and certificate of occupancy from my department to convert a one family to a two-family house.

MR. NUGENT: I have a certificate of occupancy.

MR. TORLEY: As a one-family house.

MR. NUGENT: One-family dwelling.

MR. KANE: I think in reviewing the notes there on the visits from the assessor that access wasn't allowed into the home so that the assessor's point of view was that she assumed it to be a two-family home and wrote it up in a way which is what they do when they are not allowed access to inspect it.

MRS. CICCARELLI: When she came, she just asked me questions, she didn't ask to come in. When we found out there had been complaints that is when my mother asked her on the phone had there been complaints, she denied it and says well, if you are just asking questions, why do you want to come into the house and if you just want to come into my house, why don't you go to every house. And she seemed like not to want to answer the questions. So, you know, we just didn't know what was going on.

MR. KRIEGER: There's no legal requirement that they admit the assessor, number one. Number two, the assessor's office determines whether it will be taxed as a one or two-family house is not determinative of whether it is a one or two-family house is then a separate question.

MR. KANE: Which my point is that it leads back to what you think, I think that what we need is an interpretation of the assessor's rule and not to--

MR. KRIEGER: What they need is an interpretation of the facts. The assessor's ruling or not is completely immaterial. The way to appeal is to go to grievance day and go through the tax proceedings, it's a totally separate proceeding from the one before this court, the order to remedy how much brings it properly before this body.

MR. TORLEY: If we go the interpretation route, we must be careful the way we're treading on extremely thin ice, we're trying to determine how we're going to interpret or define one or two-family house.

MR. KANE: I agree with you but also when you look at the C of O for their particular single-family house on the tax bills, all four of their names are on it. It's not a situation where it's the daughter and son-in-law have their name and the parents are living there with them. It's all four people who are on the C.O.

MR. TORLEY: Original C.O. and tax bill have all four names?

MR. KANE: Yes.

MR. KRIEGER: Just because and I confess it may be me, I'm not clear, as we talked about the parents and so forth, Mr. Durso, are you related to Mrs. Ciccarelli?

MRS. CICCARELLI: That is my father, yes.

MR. KRIEGER: When we're talking about fathers and daughters, they are, that couple are your parents?

MRS. CICCARELLI: Yes.

MR. KRIEGER: I was concerned that there might be yet two more that we didn't have the proper count.

MR. KANE: Well. I think--

MR. LANGANKE: We're reaching a consensus what we should do is have a public hearing and have a interpretation as to whether this is a two family or one-family house.

MR. KANE: They need to change the application to ask for an interpretation, correct.

MR. KRIEGER: Application should so reflect that they are asking for both, although as we know, the interpretation is a much easier hurdle.

MR. KANE: It's the only viable.

MR. LANGANKE: Anybody have any questions?

MR. NUGENT: I'm real nervous about the interpretation

part of it.

MR. KRIEGER: Well, it's an interpretation, you're concern Mr. Torley is well taken, it is an interpretation that to my knowledge it is a matter of first impression as far as this board is concerned and in interpreting it, I would encourage the board to be careful in doing so and set forth clearly its parameters because this is going to be relied upon by other people in the town as that kind of lone star that I interpreted, if you have these criteria then the ZBA will say you're okay. If you don't, you don't so you're treading on or shall I say breaking new ground and I urge caution.

MR. TORLEY: In fact--

MR. KRIEGER: Not forbearance, just caution.

MR. TORLEY: In fact, would we be by interpreting how we're going to define one or two-family house, would we be exceeding our authority under the zoning code for the town, is that something that should be the Town Board statement of how they wish to consider one or two family?

MR. BABCOCK: Any appeal from me is heard by this board.

MR. KRIEGER: The Town Board may certainly enact any statutes which are lawful and proper and it may choose to seek through that mechanism to define one or two family, not to my knowledge, it has not done so. Whether such a determination would be approved of ultimately by the courts, it would be subject to the court challenge just the same as a determination of this board.

MR. TORLEY: My problem is that if we are acting as quasi-judicial body and making a determination of what's a two family and one-family house we're treading or into what would be determined legislative.

MR. KRIEGER: If this board were making a determination generally of a definition to be applied to everyone

again perhaps it would be over the line that you mentioned. This board has jurisdiction to determine on a case-by-case basis and the only affect of its determination in this particular matter if an interpretation were to be sought would be to determine this application. My purpose in counseling caution here is not to say officially the determination of this board would be an official determinant for all future applications. As a matter of law, as a matter of practice, how much it will have more far reaching affect than other determinations of this board made in other areas.

MR. BABCOCK: Could you look at page 4894 just for a second maybe that will clarify it a little bit.

MRS. CICCARELLI: Wouldn't this be a different thing if the house was sold and two strangers were going to have it as a two family?

MR. BABCOCK: I think that is what I just read here. Says blood relatives, marriage or adoption.

MR. TORLEY: What's the rescission date?

MR. BABCOCK: 7/25/75.

MR. KRIEGER: Statute purports to limit the size of a family to five persons, I render no opinion as to whether or not that would withstand court challenge. It does indicate one or more persons occupying a dwelling unit as a single, non-profit housekeeping unit.

MR. BABCOCK: That is a family. Then it goes on to tell you what isn't a family.

MR. KRIEGER: And it goes on to rule out certain things which don't really apply here. The question of interpretation would be then whether this board determined in fact that this, the facts from this application are that this is a single, non-profit housekeeping unit, yes or no. If the answer is yes, it's a one family and you need to go no farther. If the answer is no, it's a two family.

MR. NUGENT: I have a piece of paper here that says it's a one family.

MR. BABCOCK: That is correct but that--

MR. NUGENT: What's the question then?

MR. TORLEY: How many times have we had cases where the original C.O. says one-family house but it becomes quite apparent that it is being operated as two-family house. That is not necessarily the case here.

MR. KANE: It's a moot point right now we have all people on the C.O. and all persons involved on the tax bill, it's clear cut.

MR. NUGENT: Single-family house.

MR. TORLEY: But now the next question is had it come to that consensus, do you have to go to a public hearing for that?

MR. KRIEGER: The problem that you have is that the, first of all, the Zoning Board cannot make an official determination without having a public hearing, that is number one. Number two, if these individuals are cited and I understand they have not yet been, or have not now been, if they are cited for a violation of the Town Law.

MR. BABCOCK: Yes, they have.

MR. KRIEGER: Then they are entitled to a stay in the of the town court proceedings to determine for this Zoning Board to make that determination in order for that stay to be effective, the Zoning Board of Appeals has to make the determination in the approved lawful manner, it can't just simply do an informal determination and have that have any affect upon the ongoing court proceedings.

MR. TORLEY: Now, if we were to schedule this matter for a public hearing on the interpretation, it's sufficient to obtain the stay from the court.

MR. KRIEGER: They are entitled to a stay so long as proceedings are proceeding in front of this board, whether it be preliminary or whether it be final, whether it be public hearing as long as the proceeding, the matter here is being pursued in good faith then they are entitled to a stay.

MR. NUGENT: Can I see the complaint?

MR. KRIEGER: They haven't now they would continue through the time that this board is making its determination.

MR. NUGENT: What are we interpreting?

MR. KRIEGER: Whether or not this is in fact a one-family dwelling and the definition of one family occurs in the law.

MR. NUGENT: I've got a piece of paper says it is a one-family dwelling in two names, four names actually.

MR. KRIEGER: What this says is in the opinion of the town they are allowed two, not what they are allowed to occupy the dwelling as a one-family dwelling as of July 29, whatever it is, '75, that does not determine in and of itself what the facts are here. What the facts are that is number one, number two, the law is such that the municipality is not bound by the certificate of occupancy which it issues if it issues it in error. The rules regarding that, regarding a municipality's actions in that fashion are somewhat different than the rules that would be applied to non-governmental agencies or individuals. But governmental agencies are not bound by that certificate of occupancy.

MR. TORLEY: However, the fact that there are four names on the C.O., there are four owners of that property actually it could be a corporation owner.

MR. KANE: But according to the--you're correct, Larry, but according to the definition in the Town Law, they acted as a single, non-profit family unit from the beginning so I think it's very simple and I don't think

we well put ourselves in jeopardy.

MR. TORLEY: When we come to have the public hearing on the interpretation, I think we have to be extremely careful to emphasize that kind of feature rather than attempting to define a family.

MR. KRIEGER: No just the definition as it exists in the statute to determine why in this particular case they fall on whatever side of that determining line the board feels that they ought to fall on.

MR. TORLEY: We're going to have to go through a public hearing process to get this finalized.

MRS. CICCARELLI: But I don't understand why if we're a family we're not making any profit.

MR. TORLEY: You have been cited, we have to make a formal interpretation whether that citation is appropriate and we're required by law to do everything by public hearing. We can't just sort of do it now and send you home.

MR. KRIEGER: Basically, you have a choice, you can either request that this board hold a public hearing in the fashion that Mr. Torley's indicated and make a determination in which case if the determination were favorable to you, you could take that determination to the justice court and that will be binding on the court. It's already been determined. If, however, you choose not to pursue this application and that is a choice you may make, then you would leave it up to the court in that case to decide whether or not you're a one family unit. This board has no control over what a court, nor can it predict what a court is likely to do or what any other agency is likely to do. In other words, if you don't apply here for the interpretation, your chances as far as the court's concerned, the stay is gone because you haven't, there's no diligent pursuit of an application, the stay is gone and the court is free to make its determination.

MRS. CICCARELLI: Which would be what, that we'd have to move away? I wish I can go somewhere else,

unfortunately, I can't afford to.

MR. DURSO: But why is it, let me ask something, when we purchased this property, the builder put down that this was a two-family house. Now how come they come along and say no.

MRS. BARNHART: No, he didn't do that.

MRS. CICCARELLI: Well, he told us we could be together.

MR. KRIEGER: Well, they are two different matters and that is the controversy and that is, it's the very question can you have this unit that you do in fact have under the umbrella of a one-family unit, in other words, can you in your own words be together and still comply with the zoning and with the legal requirements. As I indicated to you, there are available to you now two paths to make that determination, which one you select of course is up to you.

MRS. CICCARELLI: If the builder did something wrong, isn't it your job to go after him, find him and see why he did something like this wasn't permitted?

MR. NUGENT: No.

MR. BABCOCK: Jimmy, I think what happened is the builder asked what would have to be left or not done so it would not constitute because they got a C.O. for a one-family house and at the time if the building inspector determined that since it had interior access and they were all blood relatives, we don't know that, then it doesn't constitute a two-family house.

MR. NUGENT: And it's still like that, hasn't changed.

MRS. CICCARELLI: I don't think he actually ever called it a two family, he called it a mother-daughter.

MR. NUGENT: He called it a one-family dwelling.

MR. KRIEGER: There's no such thing as a mother-daughter.

MR. TORLEY: Andy, if they were going to the town justice court and they had an adverse decision there, can they then come back here or are they restricted to the regular court system?

MR. KRIEGER: Then they have selected that avenue, they are required to appeal, the stay would only apply on the town court level.

MRS. CICCARELLI: We should come here because I don't know what we should do.

MR. LANGANKE: Let us set you up for a public hearing, go through the process.

MRS. CICCARELLI: Is it the same thing as this when you talk about a public hearing?

MR. LANGANKE: Yes, accept that your neighbors will be invited.

MRS. CICCARELLI: I thought they were invited tonight.

MR. LANGANKE: No, this is preliminary and part of the public process you'll be notified.

MR. KRIEGER: Invited is in some respects inaccurate, they will be noticed.

MRS. CICCARELLI: Does what they say have anything to do with anything, cause I don't see if a person just objects so it should be any of their concern.

MR. KRIEGER: The Zoning Board does not, it isn't an electoral process where they count heads and see how the vote turns out. The decision rests with this board. They'll hear what others have to say, just as they've heard you and then the board will decide based on what they've heard but the decision rests with these board members. It is not a vote.

MRS. CICCARELLI: If a decision is made against it, what happens cause my mother is home worrying about being out on the street. This has been going on for

weeks now and she's an old women.

MR. DURSO: I personally as myself on a fixed income and I have a wife that she's not well, I wouldn't be able to pull the property the way it is now, that is the reason why I have my daughter and if it wasn't legal, that they put it for a two family, how could the bank approve it also for that.

MR. KRIEGER: If they put it in as a two family, assuming that the zoning was the same then as it is now, you would have had a problem then, the fact that it was put in for a one family and it's consistent with the zoning.

MRS. CICCARELLI: So anyone that says I have a mother-daughter house is illegal?

MR. TORLEY: Unless it's in an area that is zoned for two family, yeah, because the town has never defined what constitutes mother-daughter, there's no legal definition.

MR. NUGENT: We don't have any areas that are mother-daughter.

MR. KRIEGER: Mother-daughter designation is a creation of the real estate industry and has no legal basis.

MR. LANGANKE: It seems that we would be on strong ground by ruling this a one-family house though.

MR. TORLEY: I think any public hearing we have no difficulty in getting sufficient evidence in making that decision.

MRS. CICCARELLI: Like I said, I wouldn't want to get anyone in trouble but I know there's other people right in the development.

MR. NUGENT: They need an interpretation.

MR. KANE: We cannot make a decision at this Preliminary Hearing, this is to give you an idea what you need to do.

MRS. CICCARELLI: What are you going to find out differently the next time?

MR. TORLEY: This is, you can look at this as sort of a dress rehearsal so you can see what kind of questions we're going to ask and what kind of information we need.

MR. LANGANKE: You're going to be repeating the same data.

MR. KRIEGER: It's not a question of what the board will find differently from you, necessarily, by law the public must have notice of this and an opportunity to come in and say whatever they are going to say. This board doesn't have a crystal ball, it can't determine at this point it can't determine which applications somebody's going to come in and which they are not going to come in and what they are going to say, if they do come in. The only way to find that out is to hold a public hearing, to send out the notices and to let that opportunity occur. Once it occurs, then as I indicated to you, the board will take into account for what they think it's worth what has been said to them by others, of course what's been said by you, now formally and on the record and they'll consider all of that and make, it will consider all that and make its determination, but it has to give that notice and there has to be that opportunity even though in many applications after the opportunity no one actually comes in. That is quite common, frankly, but the exercise must be completed.

MRS. CICCARELLI: How long will this take because it's a very big strain on my mother.

MR. KANE: Nothing we can do other than what the law is.

MR. LANGANKE: How long will it take?

MR. BABCOCK: If you get on, I don't know how busy but if you get on right away, there is a possibility to be on the next agenda in two weeks.

MRS. BARNHART: The next meeting is a holiday.

MR. BABCOCK: So that is the first time you can come back, that is if all the paperwork is done.

MR. KRIEGER: The speed in which this occurs is largely dependent on you.

MRS. CICCARELLI: I'd come tomorrow again, I can come right away, I mean I'd like to get it done.

MR. LANGANKE: Why isn't that possible February 27?

MR. KRIEGER: Provided they get all their stuff?

MRS. BARNHART: It's not up to us.

MR. BABCOCK: There's no first meeting in February?

MR. LANGANKE: It's possible, right.

MRS. BARNHART: She has to fill out the paperwork, I can't say yes or no.

MR. BABCOCK: Are we having two meetings in February?

MRS. BARNHART: We're closed, it's a holiday, we don't have a meeting.

MR. BABCOCK: Okay, okay, just asking. I didn't know that.

MR. NUGENT: I'd like to stop, does anybody have a question? If not, I'd like to set these people up for a public hearing.

MR. KANE: No further questions.

MR. TORLEY: I move we set the Ciccarellis and Dursos up for a public hearing on the interpretation.

MRS. BARNHART: Only on interpretation.

MR. TORLEY: Just stick with interpretation.

MR. KRIEGER: Might as well notice it for use variance and an interpretation, even though we know it's a practical matter.

MR. NUGENT: Interpretation and/or use variance.

MR. KANE: I'll second that motion.

ROLL CALL

JAMES NUGENT	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE

MR. KRIEGER: I have to give you the criteria, first of all, let me point out that the procedures, application procedures are not a creation of the members of this board, they are determined both by state and local law and the board is subject to them just the same as you are and they don't have the power to vary them or relax them in any way. The two things that you are going to be implying for an interpretation whether in fact this is a one-family house as defined by the New Windsor Code and if the interpretation is against you, then you'll be applying for a use variance. The criteria for a use variance have been set forth in the State Law and this board is mandated to follow those criteria. They are as indicated to you often found to be extremely difficult. However, because one of your applications or the second step is a use variance, I'm going to give you the criteria or list the criteria that the state has mandated, if you would address yourself, if it becomes necessary to talk about the use variance, if you would address yourself to those criteria, it would be helpful in allowing the board to follow what you're saying. Those are criteria, as I say again for the use variance, not for the interpretation, which is the first thing that you will be here for.

MRS. CICCARELLI: Now, you're saying in the book for the interpretation, it says you can be a family?

MR. KRIEGER: If you want to make a note of this, excuse me, Mike, what page was that?

MR. LANGANKE: 4894.

MR. KRIEGER: The criteria for a one family under the New Windsor Code is set forth on page 4894 and it says one or more persons occupying a dwelling unit as a single non-profit housekeeping unit and that will be the question that the Zoning Board of Appeals will have to address itself to whether what you have is a single not-for-profit housekeeping unit. That is the criteria for the interpretation and if you would address yourself to discussing the facts to that criteria would be helpful.

MR. LANGANKE: Is there any evidence that we can put in the record?

MRS. CICCARELLI: I have some things with me that, you know.

MR. NUGENT: Bring them.

MR. KRIEGER: Pictures or an interior plot plan.

MR. NUGENT: We have an interior plot plan. Will you need to see the deed or title report?

MR. KRIEGER: Yes, bring a copy of the deed or title report.

MR. TORLEY: Or tax records.

MR. KRIEGER: Usual pictures of the exterior.

MRS. CICCARELLI: The assessor took a picture the day she came.

MR. KRIEGER: The assessor's picture will not, there's no procedure by which that picture comes before this board so if you would take one picture.

MRS. CICCARELLI: Do you want interior pictures?

MR. NUGENT: If you'd like to take them, it could help.

MR. LANGANKE: Anything that we can use as evidence.

MR. KRIEGER: That may be substantially more difficult but--

MR. TORLEY: Whatever you think will make it easier for the board to make a determination, whatever you think you'd like.

MR. BABCOCK: The connecting stairwell would be a good picture.

MR. TORLEY: To show that you can go from one part to the other.

MRS. CICCARELLI: Well, there is a door. There was the up and down and the builder put a door there not at the top like the upstairs but where the recreation room would have been he put a door right there.

MR. LANGANKE: Just open the door, take a picture with the door open.

MR. KRIEGER: That door doesn't have a lock, does it?

MRS. CICCARELLI: No.

MR. KRIEGER: So it can be readily opened or closed and its function may be more heat control than personal?

MRS. CICCARELLI: Yeah, that helps.

MR. TORLEY: Aesthetic things of that nature, it's not intended to be a separation of two dwelling units.

MR. NUGENT: Okay, you're set.

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
555 Union Avenue
New Windsor, New York 12550
Telephone 565-8808

25-5-1

Building Department

Permit No. 690

Location: GLENDALE DR

Map No.: 2996 Section: Block: Lot: 2

Certificate of Occupancy

No. 57-1475

Date: July 29 1975

THIS CERTIFIES that the building located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated AUGUST 3 1975, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law. The occupancy for which this certificate is issued is A

ONE FAMILY DWELLING

This certificate is issued to PARKDALE ESTATES INC
(owner, lessee or tenant)

of the aforesaid building.

Superintendent of Buildings

(The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.)

URE - NOTES

LEGAL DESCRIPTION

LT 2 Parklawn Sub 130X103XIR

ASSESSMENT

19

19

19

19

LAND

IMPROVEMENTS

2,400

TOTAL

2,400

EXEMPTION

TAXABLE

334800 25 5 2

SWIS S B L SUFFIX

PROPERTY ADDRESS: 101 Glendale Drive

Parkdale Estates

OWNER:

MAILING ADDRESS:

SITE: PROPERTY CLASSIFICATION: 220

EXEMPT (E OR N)

CARD 01 OF 01 GRID COORDINATES E 581866

SALE PRICE: \$41,500 DATE: 08-75 N 529891

SALE PRICE: DATE:

SALES SOURCE: 1 BUYER 2 SELLER 3 FEE 4 AGENT

VERIFICATION VALID SALE: 0 NO 1 YES

SALES TYPE: 1 LAND 2 BUILDING 3 LAND AND BUILDING

LAND DESCRIPTION		VALUATION FRONTAGE	VALUATION DEPTH	UNIT PRICE	DEPTH FACTOR	ADJUSTED FF PRICE	INFLUENCE			LAND VALUE
NONE		N					CODE	1	%	
PRIMARY SITE SECONDARY SITE DEVELOPED ADJACENT WATER LAND TERRACE FRONT HARD SITE POSED ROAD WATER AS ONLY: ACTIVITY: SCPS DEA CLASS)	LOT	L								
		L								
		L								
	SQUARE FEET	S	SQ. FT							
		S	SQ. FT							
		S	SQ. FT							
	ACREAGE	S	SQ. FT							
	() A		ACRES							
	() A		ACRES							
	() A		ACRES							
TOTAL			3							

RECORD OF OWNERSHIP

Durso, Frank A. & Maria & Ciccarelli

Adeline A. & Thomas R.

SPECIAL DISTRICTS

SEWER FIRE

PARK WATER

SCHOOL LIGHT

AUDIT CONTROL

MEASURED BY: CD DATE 12-11-14

LISTED BY: CD DATE 12-11-14

SOURCE: 1 OWNER 2 SPOUSE 3 TENANT 4 OTHER 5 ESTIMATE 6 REFUSAL

ORANGE COUNTY RESIDENTIAL/FARM/VACANT DATA COLLECTION FORM

SITE DESCRIPTION: GENERAL PROPERTY FACTORS

NEIGHBORHOOD I.D. 09

ZONING: R4

TOPOGRAPHY RATING: 1 GOOD 2 FAIR 3 POOR 4 VERY POOR

LAYOUT (FARMS ONLY): 1 POOR 2 AVERAGE 3 GOOD

FLOOD RATING: 1 ALWAYS 2 MIXED 3 OFTEN 4 SOME 5 NEVER

SITE ELEVATION: 1 BELOW STREET 2 LEVEL 3 ABOVE STREET

DWELLING SETBACK: NEAREST 10 FEET

ROAD: 1 PAVED 2 UNPAVED 3 PROPOSED 0 NONE

SIDEWALK: 1 YES 2 NO

WATER: 0 NONE 1 PRIVATE 2 COMMERCIAL 3 PUBLIC

SEWER: 0 NONE 1 PRIVATE 2 COMMERCIAL 3 PUBLIC

OTHER UTILITIES: 0 NONE 1 GAS 2 ELECTRIC 3 GAS/ELECTRIC

NEIGHBORHOOD TYPE: 1 RURAL 2 URBAN 3 SUBURBAN 4 SUBDIVISION

NEIGHBORHOOD TREND: 1 DECLINING 2 STATIC 3 IMPROVING

NEIGHBORHOOD DESIRABILITY: 1 EXCELLENT 2 VERY GOOD 3 GOOD 4 AVERAGE 5 FAIR 6 POOR 7 VERY POOR

LOT LANDSCAPING: 1 EXCELLENT 2 GOOD 3 FAIR 4 POOR 5 NONE

DRIVEWAY: 1 IMPROVED 2 UNIMPROVED 3 NONE

FRONTING TRAFFIC: 1 LIGHT 2 MEDIUM 3 HEAVY 4 NONE

LOT COMPARED TO SURROUNDINGS: 1 TYPICAL 2 POORER 3 BETTER 4 NONE

BATH QUALITY:
 0 NONE 2 GOOD 4 ECONOMY
 1 EXPENSIVE 3 AVERAGE 5 INEXPENSIVE

OTHER FACTORS: CHIMNEY
 MASONRY TRIM (SF) FIREPLACES

• LAYOUT: 1 DESIRABLE 2 UNDESIRABLE

EXTERIOR CONDITION 1
RELATIVE DESIRABILITY: 0 UNINHABITABLE
1 GOOD 2 AVERAGE 3 FAIR 4 POOR 1

COST FACTORS
GRADE:** C GRADE ADJ 1.11 + %

PERCENT GOOD 117 %
FUNCTIONAL DEPRECIATION 11 %

CDU (EX, VG, G, AV, P, VP, UN)	V.C.
LIVING FIRST FLOOR (SE)	13.3.0

AREA FIRST FLOOR (SF) _____
SECOND FLOOR (SF) _____

ADDITIONAL FLOOR (SF) _____

HALF STORY FINISHED (SF) _____

HALF STORY UNFINISHED (SF) _____

TOTAL LIVING AREA (SF) 23.11
UNFINISHED ROOM (SF) 10.54

FINISHED ATTIC (SF) _____

UNFINISHED ATTIC (SF) _____

	RECREATION ROOM (SF)	_____
WATER - () - Broom & rug in room.		

Hood, K, F, B-A, 1/2 knots or more
Hood, L, F, B-A, 1/2 knots or more

K. L. G. is stated by daughter, Bessie

820^m 10.10.68 19.11.68 20.11.68 21.11.68

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1. *Journal of the American Medical Association*, 1997; 277: 1033-1036.

[illegible]

46

154 P. C.

1320

9562-2310-1

YEAR	5	THING
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DETACHED IMPROVEMENTS											
STR. CODE	MOD. CODE	U *	MEASUREMENT 1	MEASUREMENT 2	QUAN- TITY	GR **	YEAR BUILT	RATE	C 1	FUNC 0850	TOTAL
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											

* UNITS 1 QUANTITY 2 DIMENSIONS 3 SQUARE FEET 4 DOLLARS (M\$10 ONLY)

† CONDITION 1 GOOD 2 AVERAGE 3 FAIR 4 POOR

** GRADE A EXCELLENT B GOOD C AVERAGE D CHEAP E VERY CHEAP

LEGAL DESCRIPTION

OWNERSHIP & MAILING ADDRESS

NEW WINDSOR
LT 2 PARKLAWN SUB

130X103X1R

DEED DATE 09/12/72
8/15/75

PARKDALE ESTATES INC
4 PARKDALE DRIVE NEW WINDSOR NY
DURSO, FRANK A. MARINE
CIGARELLI, ADELINE A. &
THOMAS R.
101 GLENDALE DR.

33	48	00	25	5	2.00
DISTRICT			SECTION	BLOCK	LOT
ACCOUNT NUMBER			GRID COORDINATE		
CLASS CODE		ZONING		CARD NUMBER	ROUTING NUMBER
101 GLENDALE DR					

RECORD OF OWNERSHIP

DATE	TYPE	SALE PRICE	SOURCE	VALIDITY
MO.	YR.	1 LAND 2 L & B	1 BUYER 2 SELLER 3 FEE 4 AGENT	1 YES 2 NO
08	75	10	41500	1 2 3 4 1 2
		1 2	1 2 3 4	1 2
		1 2	1 2 3 4	1 2

LAND COMPUTATIONS

0 NONE	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
LOTS	L				83				
1 REGULAR LOT	L								
2 MINUS LOT	L								
3 APARTMENT SITE	L								
SQ. FT.	S			SQ. FT.					
1 PRIMARY SITE	S			SQ. FT.					
2 SECONDARY SITE	S			SQ. FT.					
3 UNDEVELOPED	S			SQ. FT.					
4 RESIDUAL	S			SQ. FT.					
ACREAGE	A	0.26	ACRES						
1 PRIMARY SITE	A		ACRES						
2 SECONDARY SITE	A		ACRES						
3 UNDEVELOPED	A		ACRES						
4 RESIDUAL	A		ACRES						
5 TILLABLE	A		ACRES						
6 PASTURE	A		ACRES						
7 WOODLAND	A		ACRES						
8 WASTELAND	A		ACRES						
9 HOMESITE	A		ACRES						
0 TOTAL	A	.3	ACRES						
GROSS	G								
1 IRREGULAR LOT									
2 SITE VALUE									
3 RESIDUAL									
4 HOMESITE									
0 MINUS R.O.W.									
# 02		NUMBER OF LAND ENTRIES							
						7000 TOTAL VALUE LAND			
						1400 TOTAL VALUE BUILDINGS			
						38400 TOTAL VALUE LAND & BLDGS.			

PROPERTY CLASSIFICATION CODE

ASSESSMENT RECORD

AGRICULTURAL-100	COMMERCIAL-400	LAND
110 - Livestock & Products	410 - Living Accommodations	19 BLDGS.
111 - Poultry & products	411 - Apts. other than 412/413	TOTAL
112 - Dairy products	412 - Condominium apt.	19 BLDGS.
113 - Cattle, hogs, & products	413 - Co-operative apt.	TOTAL
114 - Sheep & wool	414 - Hotel	19 BLDGS.
115 - Apiary products	415 - Motel	TOTAL
116 - Other livestock	416 - Mobile home parks	19 BLDGS.
120 - Field Crops	417 - Camps & cottages	TOTAL
130 - Truck Crops	418 - Other transient lodging	
140 - Truck Crops	419 - Other commercial	
150 - Orchard Crops	RECREATIONAL-500*	
151 - Tree fruits	COMMUNITY SVCS.-600*	
152 - Vineyards	INDUSTRIAL-700	
160 - Other Fruits	710 - Manufacturing & Processing	
170 - Nursery/Greenhouse	720 - Mining and Quarrying	
180 - Fur Products	730 - Wells	
190 - Fish/Game & Wildlife Preserves	PUBLIC SVCS.-800*	
RESIDENTIAL-200	W/ACREAGE	
210 - 1 Family Year Round	250 - Estate	
220 - 2 Family Year Round	260 - Seasonal	
230 - 3 Family Year Round	270 - Mobile Home	
240 - Rural Residence	UNUS'D VACANT LAND-300	
250 - Estate	310 - Residential	
260 - Seasonal	320 - Rural	
270 - Mobile Home	330 - Commercial	
UNUS'D VACANT LAND-300	340 - Industrial	
310 - Residential	350 - Urban Renewal	
320 - Rural		
330 - Commercial		
340 - Industrial		
350 - Urban Renewal		

BUILDING PERMIT RECORD

DATE	TYPE	AMOUNT	NUMBER
MO.	1 DEMOL. 2 ADDN.		

GENERAL PROPERTY FACTORS

NEIGHBORHOOD I.D.	TOPOGRAPHY RATING	STREET OR ROAD	UTILITIES
07	1 GOOD 2 FAIR 3 POOR 4 VERY POOR	1 PAVED 2 UNPAVED 3 PROPOSED	1 ALL 2 NONE 3 WATER 4 SEWER 5 ELECTRICITY 6 GAS

RESIDENTIAL PROPERTY FACTORS

NEIGHBORHOOD FACTORS	LOT FACTORS
1 RURAL 2 URBAN 3 SUBURBAN 4 SUBDIVISION	1 EXCELLENT 2 GOOD 3 FAIR 4 POOR 5 NONE
1 IMPROVING 2 STATIC 3 DECLINING	1 IMPROVED 2 UNIMPROVED 3 NONE
1 INFLUENCE ON SUBJECT PROPERTY 2 DEVALUING 3 ENHANCING	1 LIGHT 2 MEDIUM 3 HEAVY 4 NONE
1 EXCELLENT 2 VERY GOOD 3 GOOD 4 AVERAGE 5 FAIR 6 POOR 7 VERY POOR	1 LOT 2 IMPROVEMENTS 3 BETTER 4 NONE

MEMORANDA

Fieldbk 11/30/75
NO INSPECTION
MEASUREMENTS ONLY
CORRECTIONS MADE
ON THIS SHEET

